



DEPARTMENT OF THE NAVY

SOUTHERN DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
P. O. BOX 190010
2155 EAGLE DRIVE
NORTH CHARLESTON, S. C. 29419-9010

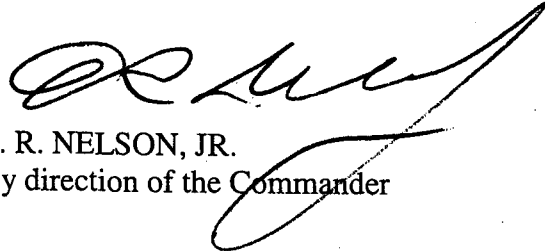
11011
Code RE11/WJH
17 Feb 2005

From: Commander, Southern Division, Naval Facilities Engineering Command
To: Commanding Officer Navy Construction Battalion Center, Gulfport, MS Attn:
LT Wesley Martin, JAG

Subj: RECORDING OF JURISDICTION DOCUMENTS

Encl: (1) Deed of Cession dated 19 Nov 2004
(2) Deed of Cession dated 15 Feb 2005

1. The jurisdiction over the NCBC Gulfport has been changed to Concurrent Jurisdiction with the State of Mississippi effective 15 Feb 2005.
2. Please have enclosures (1) and (2) filed in the Deed Records of Harrison County, MS and return the original recorded documents to us by FedEx. Please call Bill Holling at (843) 820-7498 or DSN 583-7498 if you have any questions.


E. R. NELSON, JR.
By direction of the Commander

DEED OF CESSION

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the following described lands, within the limits of the County of Harrison, State of Mississippi, have been acquired by purchase and condemnation, and are being held by the United States of America for military purposes, as contemplated and provided for in the Constitution of the United States of America, to wit:

All that certain tract of land, being a portion of Sections 5 and 6, Township 8 South, Range 11 West, and Section 1, Township 8 South, Range 12 West, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a nail set in the concrete of 28th Street for the NW corner of Section 6, T-8-S, R-11-W; Thence S 00°02'28" E along the west line of said Section 6 for a distance of 17.40' to the POINT OF BEGINNING; Thence N 89°47'23" E along the south line of 28th Street for a distance of 7,720.76' to a concrete monument; Thence S 00°00'22" E for a distance of 658.01'; Thence S 89°54'27" E for a distance of 2,117.07' to concrete monument; Thence N 00°07'35" E for a distance of 652.37' to a point on the south line of 28th Street; Thence S 89°38'49" E along the south line of 28th Street for a distance of 612.24' to a spike set in the asphalt; thence S 00°29'41" W for a distance of 898.85' to an iron rod; thence S 89°57'44" E for a distance of 149.64' to a concrete monument; Thence S 00°00'51" W for a distance of 1,730.49' to concrete monument; Thence S 89°44'12" W for a distance of 5,225.58' to concrete monument; Thence S 00°25'21" W for a distance of 1,473.07'; Thence S 61°41'29" W for a distance of 194.05' to an old chain link fence corner post; Thence S 28°31'25" E for a distance of 79.61' to an old chain link fence corner post; Thence S 61°25'33" W for a distance of 192.00' to a concrete monument; Thence N 28°31'25" W for a distance of 120.6' to spike set in the asphalt; Thence S 61°22'57" W for a distance of 1,677.79' to a concrete monument; thence S 00°06'00" W for a distance of 46.30' to an iron pipe; Thence S 61°18'31" W for a distance of 383.56' to a concrete monument; Thence S 89°53'15" W for a distance of 1,958.02' to a concrete monument; Thence N 00°02'28" W for a distance of 17.00'; Thence S 89°53'15" W for a distance of 1,226.37'; Thence N 89°45'59" W for a distance of 194.48'; Thence N 28°30'04" W for a distance of 3,006.01'; Thence S 89°49'15" W for a distance of 1,023.62'; Thence N 00°08'18" W for a distance of 2,629.17' to a point on the south line of 28th Street: Thence N 89°42'22" E along the south line of 28th Street for a distance of 2,655.07' to the POINT OF BEGINNING, containing 1,098.09 acres, more or less.

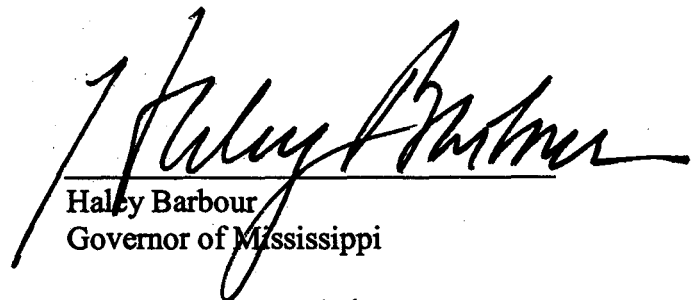
AND WHEREAS, application in writing has been made by the United States of America to me, Haley Barbour, Governor of the State of Mississippi, to cede to said United States of America exclusive jurisdiction over said lands;

WJH

AND WHEREAS, application in writing has been made by the United States of America to me, Haley Barbour, Governor of the State of Mississippi, to retrocede to the State of Mississippi, concurrent jurisdiction over said lands so held;

NOW, THEREFORE, I, Haley Barbour, Governor of the State of Mississippi, in the name and by the authority of said State, and pursuant to the statutes of said State in such cases made and provided, do hereby accept concurrent jurisdiction over said lands so held.

IN TESTIMONY WHEREOF, I, Haley Barbour, Governor of the State of Mississippi, have hereunto set my hand and caused this instrument to be countersigned by the Secretary of State and sealed with the Great Seal of the State of Mississippi, at the Capitol, at Jackson, this 15th day of February, in the year of our Lord Two Thousand and Five.


Haley Barbour
Governor of Mississippi

ATTEST:



Eric Clark
Secretary of State of the
State of Mississippi



DEED OF CESSION

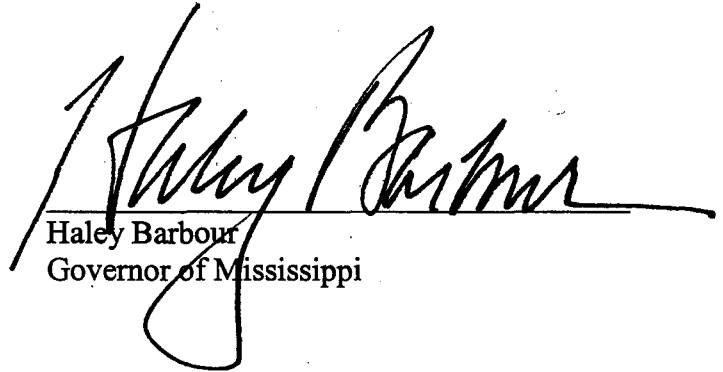
WHEREAS, the following described lands within the limits of Harrison County, State of Mississippi, are held under exclusive jurisdiction by the United States of America for military purposes, to-wit:

All that certain tract of land, being a portion of Sections 5 and 6, Township 8 South, Range 11 West, and Section 1, Township 8 South, Range 12 West, Harrison County, Mississippi, being more particularly described as follows:


COMMENCE at a nail set in the concrete of 28th Street for the NW corner of Section 6, T-8-S, R-11-W; Thence S 00°02'28" E along the west line of said Section 6 for a distance of 17.40' to the POINT OF BEGINNING; Thence N 89°47'23" E along the south line of 28th Street for a distance of 7,720.76' to a concrete monument; Thence S 00°00'22" E for a distance of 658.01'; Thence S 89°54'27" E for a distance of 2,117.07' to concrete monument; Thence N 00°07'35" E for a distance of 652.37' to a point on the south line of 28th Street; Thence S 89°38'49" E along the south line of 28th Street for a distance of 612.24' to a spike set in the asphalt; thence S 00°29'41" W for a distance of 898.85' to an iron rod; thence S 89°57'44" E for a distance of 149.64' to a concrete monument; Thence S 00°00'51" W for a distance of 1,730.49' to concrete monument; Thence S 89°44'12" W for a distance of 5,225.58' to concrete monument; Thence S 00°25'21" W for a distance of 1,473.07'; Thence S 61°41'29" W for a distance of 194.05' to an old chain link fence corner post; Thence S 28°31'25" E for a distance of 79.61' to an old chain link fence corner post; Thence S 61°25'33" W for a distance of 192.00' to a concrete monument; Thence N 28°31'25" W for a distance of 120.6' to spike set in the asphalt; Thence S 61°22'57" W for a distance of 1,677.79' to a concrete monument; thence S 00°06'00" W for a distance of 46.30' to an iron pipe; Thence S 61°18'31" W for a distance of 383.56' to a concrete monument; Thence S 89°53'15" W for a distance of 1,958.02' to a concrete monument; Thence N 00°02'28" W for a distance of 17.00'; Thence S 89°53'15" W for a distance of 1,226.37'; Thence N 89°45'59" W for a distance of 194.48'; Thence N 28°30'04" W for a distance of 3,006.01'; Thence S 89°49'15" W for a distance of 1,023.62'; Thence N 00°08'18" W for a distance of 2,629.17' to a point on the south line of 28th Street: Thence N 89°42'22" E along the south line of 28th Street for a distance of 2,655.07' to the POINT OF BEGINNING, containing 1,098.09 acres, more or less.

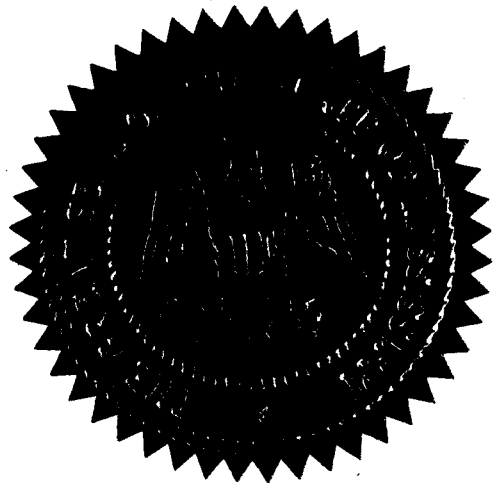
NOW THEREFORE, I, Haley Barbour, Governor of the State of Mississippi, in the name and by the authority of said State, and pursuant to the statutes of said State in such cases made and provided, do hereby cede to the United States of America exclusive jurisdiction over said lands so held.

IN TESTIMONY WHEREOF, I, Haley Barbour, Governor of the State of Mississippi, have hereunto set my hand and caused this instrument to be countersigned by the Secretary of State and sealed with the Great Seal of the State of Mississippi, at the Capitol, at Jackson, this 19th day of November, in the year of our Lord, Two Thousand and Four.


Haley Barbour
Governor of Mississippi

ATTEST:


Eric Clark
Secretary of State of the
State of Mississippi





STATE OF MISSISSIPPI
OFFICE OF THE GOVERNOR

2-16
WJH

HALEY BARBOUR
GOVERNOR

February 15, 2005

VIA FEDERAL EXPRESS

Bruce W. Joseph, Esquire
Naval Facilities Engineering Command
Southern Division
Office of Counsel – Code CL
2155 Eagle Drive
N.Charleston, SC 29406

Re: Original Deed of Cession

Dear Mr. Joseph:

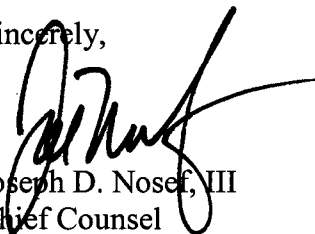
Enclosed are the originals of the following fully executed documents:

1. Deed of Cession for exclusive jurisdiction executed by Governor Barbour on November 19, 2004, with the corrected page initialed by William J. Holling; and
2. Revised Deed of Cession retro ceding concurrent jurisdiction back to the State.

Please provide me with a copy of each Deed of Cession after they have been recorded in the local county records.

I appreciate your assistance in resolving this matter. If we may be of further assistance to you, please contact me at 601-576-2038.

Sincerely,



Joseph D. Nosef, III
Chief Counsel

JDNIII/gr
Enclosure

cc: Lt. Wesley L. Martin
NCBC Gulfport
Code 16
4902 Marvin Shield Boulevard
Gulfport, MS 39501



HALEY BARBOUR
GOVERNOR

STATE OF MISSISSOPI
OFFICE OF THE GOVERNOR

2-16
WJH

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N.Charleston, SC 29406

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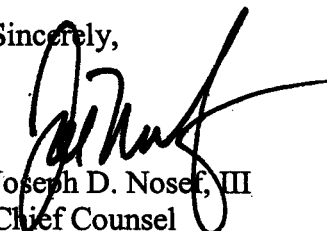
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Joseph D. Nosef, III
Chief Counsel

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NCBC Gulfport
Code 16
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Gulfport, MS 39501

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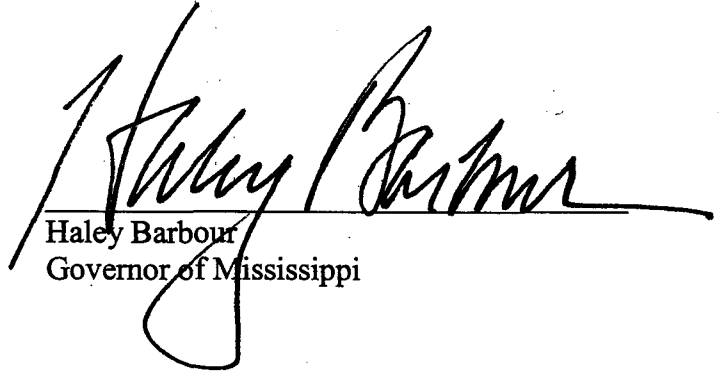
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WJH

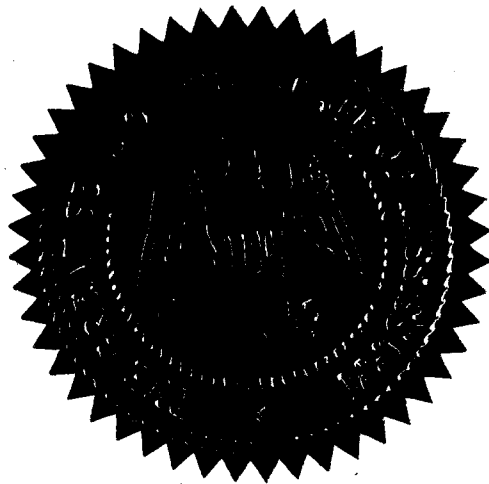
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Eric Clark
Secretary of State of the
State of Mississippi



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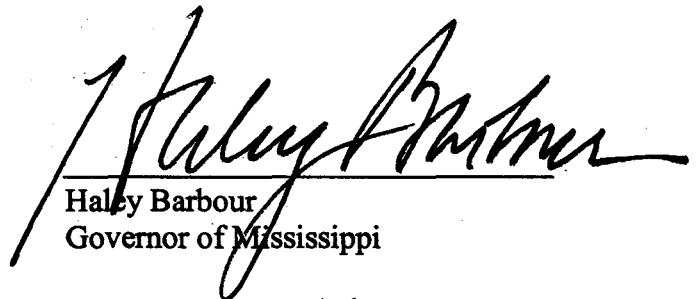
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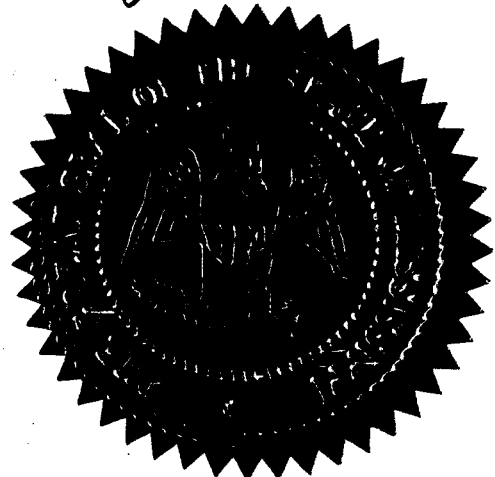
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IN TESTIMONY WHEREOF, I, Haley Barbour, Governor of the State of Mississippi, have hereunto set my hand and caused this instrument to be countersigned by the Secretary of State and sealed with the Great Seal of the State of Mississippi, at the Capitol, at Jackson, this 18th day of February, in the year of our Lord Two Thousand and Five.


Haley Barbour
Governor of Mississippi

ATTEST:


Eric Clark
Secretary of State of the
State of Mississippi





DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER
5200 CBC 2ND STREET
GULFPORT, MISSISSIPPI 39501-5001

WJA 8-13
8/14

IN REPLY REFER TO

5800

Ser Code 16/0087

AUG 02 2002

Mr. William J. Holling
Realty Specialist
Code 061/ Real Estate Division
Cadastral Services and Jurisdiction
Southern Division
Naval Facilities Engineering Command
2155 Eagle Drive
P.O. Box 190010
North Charleston, SC 29419-9010

Dear Mr. Holling:

As per our conversations, enclosed please find correspondence and documents located within the Naval Construction Battalion Center Gulfport real estate file on the base jurisdiction change.

I hope this package assists you in evaluating where we stand in this process and avoid unnecessary or duplicative efforts.

Again, thank you for your assistance in this matter. If you have any questions or concerns regarding the information herein, please contact me at (228) 871-2626. I look forward to our continued efforts to finally change NCBC's jurisdiction.

Sincerely,

CHRISTOPHER D. MORA
Lieutenant, U.S. Navy
Judge Advocate General's Corps
Staff Judge Advocate
By direction

- Enclosures:
1. Letter to Ms. Jane Buttross of 6 March 2000
 2. Letter to Peyton Prospere of 1 May 2001
 3. Letter to Peyton Prospere of 10 May 2001
 4. Letter to Peyton Prospere of 5 July 2001
 5. Letter to Peyton Prospere of 28 March 2002
 6. Letter to Peyton Prospere of 2 August 2002
 7. Letter from Bob Short, Mayor, City of Gulfport

8. NCBC Gulfport Base Map
9. Letter from Mr. Brad Pigott, United States Attorney's Office
10. Letter from Mr. Edwin T. Cofer, State of Mississippi Office of Attorney General
11. Letter from Ms. Cono Caranna, District Attorney, Second Circuit Court District
12. Letter from Mr. Joe Price, Harrison County, Mississippi Sheriff
13. Letter from Mr. George H. Payne, Jr., Chief of Police, Gulfport, Mississippi



DEPARTMENT OF THE NAVY
NAVAL CONSTRUCTION BATTALION CENTER
5200 CBC 2ND STREET
GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO:
5800
Ser 160013
6 Mar 00

Ms. Jayne Buttross
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Ms. Buttross:

The Naval Construction Battalion Center has recently requested a jurisdictional change to its real estate. Currently, the center occupies approximately 1101.57 acres, of which, all is under exclusive federal jurisdiction except 144.12 acres of proprietary property. The proprietary tracts consist mainly of the family housing.

Recently new family housing units have been built in exclusive federal jurisdictional areas. The command has requested a shift of all property to concurrent jurisdiction. In approximately 957.45 acres, the federal government would relinquish exclusive jurisdiction to concurrent jurisdiction with the State of Mississippi. We are also seeking the improvement in jurisdictional status from proprietary to concurrent in the other 144.12 acres. I believe this may be accomplished pursuant to Sections 7-1-13 and 3-5-3 of the *Mississippi Code*. If our request is ultimately approved, our real estate officer within the Southern Division of the Naval Facilities Engineering Command would contact the Governor's office directly.

One requirement of the process is to obtain the written opinions of the local, state, and federal law enforcement agencies. After we obtained the requisite information we submitted our request through our chain of command. In addition to the normal requirements, The Commander in Chief of the Atlantic Fleet has requested the Governor's written opinion on the matter.

For your information I have enclosed a copy of our submitted request. I have also enclosed a map of the Naval Construction Battalion Center and a map of the surrounding area for reference purposes. Please address your response to the attention of CODE 16. Do not hesitate to contact my Staff Judge Advocate at (228) 871-2626 for questions.

Sincerely,

JAMES E. CARSTEN
Lieutenant, JAGC, USN
By direction of the
Commanding Officer



DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER
5200 CBC 2ND STREET
GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800
Ser Code 16/ 0138

01 MAY 2001

Mr. Peyton Prospere
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

The Naval Construction Battalion Center, Gulfport (NCBC) contacted Ms. Jane Buttross from your office on March 6, 2000 requesting to change the jurisdiction onboard the NCBC from exclusive and proprietary jurisdiction to concurrent jurisdiction. Specifically, NCBC seeks to change the jurisdictional status of 144.12 acres of land onboard NCBC from proprietary jurisdiction to concurrent jurisdiction. Correspondingly, the federal government would change all land onboard NCBC currently classified as exclusive jurisdiction to concurrent jurisdiction with the State of Mississippi. I am including all documentation previously sent to Ms. Buttross with this letter.

Please contact me if you have any questions or concerns pertaining to this matter. I can be reached at (228) 871-2626. Your assistance is greatly appreciated.

Sincerely,

M. E. Richards
Lieutenant, JAGC, USNR
Staff Judge Advocate
By direction of the Commanding Officer

- Enclosures:
1. Letter to Ms. Jane Buttross.
 2. Letter from Bob Short, Mayor, City of Gulfport
 3. NCBC Gulfport Base Map
 4. Letter from Mr. Brad Pigott, United States Attorney's Office
 5. Letter from Mr. Edwin T. Cofer, State of Mississippi Office of Attorney General
 6. Letter from Ms. Cono Caranna, District Attorney, Second Circuit Court District
 7. Letter from Mr. Joe Price, Harrison County, Mississippi Sheriff
 8. Letter from Mr George H. Payne, Jr., Chief of Police, Gulfport, Mississippi



DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER
5200 CBC 2ND STREET
GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800
Ser Code 16/ 0141
10 MAY 2001

Mr. Peyton Prospere
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

The purpose of this letter is to provide clarification on my letter to your office dated May 1, 2001. My previous letter was intended to solicit a written opinion from your office regarding changing the jurisdiction onboard the Naval Construction Battalion Center, Gulfport (NCBC). After receipt of your opinion, the correspondence will be forwarded to the Commander in Chief, U.S. Atlantic Fleet for final approval of the requested jurisdiction change.

I apologize about any misunderstandings or inconvenience my previous letter may have caused. Please contact me if you have any questions or concerns pertaining to this matter. I can be reached at (228) 871-2626. Your assistance is greatly appreciated.

Sincerely,

M. E. Richards
Lieutenant, JAGC, USNR
Staff Judge Advocate
By direction of the Commanding Officer

Enclosures: 1. Letter to Mr. Peyton Prospere dated 1 May 2001



DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER
5200 CBC 2ND STREET
GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800
Ser 16/0159

05 JUL 2001

Mr. Peyton Prospere
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

The purpose of this letter is to follow-up on my letter to your office dated May 1, 2001, requesting a change in the jurisdictional status onboard the Naval Construction Battalion Center, Gulfport (NCBC).

Please feel free to contact me if you have any questions or concerns pertaining to this matter. I can be reached at (228) 871-2626. Your assistance is greatly appreciated.

Sincerely,

M. E. Richards
Lieutenant, JAGC, USNR
Staff Judge Advocate
By direction of the Commanding Officer

Enclosures: 1. Letter to Mr. Peyton Prospere dated 1 May 2001



DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER
5200 CBC 2ND STREET
GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800
Ser 16/0039

28 MAR 2002

Mr. Peyton Prospere
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

My name is Lieutenant Christopher Mora and, as of January 2002, I serve as the Staff Judge Advocate for the Naval Mobile Construction Battalion Center (NCBC) in Gulfport. The purpose of this letter is to follow-up on a series of communications between this office and yours.

My predecessor Lieutenant Marvin Richards informed me that he sought to solicit a written opinion from your office regarding changing the jurisdiction onboard the Naval Construction Battalion Center, Gulfport (NCBC). Specifically, NCBC seeks to change the jurisdictional status of 144.12 acres of land onboard NCBC from proprietary jurisdiction to concurrent jurisdiction. Correspondingly, the federal government would change all land onboard NCBC currently classified as exclusive jurisdiction to concurrent jurisdiction with the State of Mississippi. After receipt of your opinion, the correspondence would be forwarded to the Commander in Chief, U.S. Atlantic Fleet for final approval of the requested jurisdiction change.

Reviewing the notes here, I understand that NCBC contacted Ms. Jane Buttross from your office as early as March 6, 2000 with a request to change the jurisdiction onboard the NCBC from exclusive and proprietary jurisdiction to concurrent jurisdiction. I also understand that there was some additional correspondence between this office and yours since that time. I have not been able to locate whether or not an opinion was received from your office. I would like to take this opportunity to follow up on this issue and hopefully resolve it in a manner to achieve the concurrent jurisdictional status sought by NCBC.

Please contact me if you have any questions or concerns pertaining to this matter. I can be reached at (228) 871-2626. Your assistance is greatly appreciated.

Sincerely,

C. D. Mora
Lieutenant, JAGC, USNR
Staff Judge Advocate
By direction



DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER

5200 CBC 2ND STREET

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser Code 16/0086

~~AUG 02 2002~~

State of Mississippi
Office of the Governor
Office of Legal Counsel
Attn: Mr. Peyton Prospere
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

My name is Lieutenant Christopher Mora and I serve as the Staff Judge Advocate for the Naval Construction Battalion Center (NCBC) in Gulfport. The purpose of this letter is to follow-up on a series of communications between our offices.

My predecessor Lieutenant Marvin Richards informed me that he sought to solicit a written opinion from your office regarding changing the jurisdiction onboard NCBC. This reason is also the purpose of my letter. He followed on the heels of his predecessor, Lieutenant Jim Carsten and before him, a Lieutenant Golden in attempts to finalize the jurisdiction change.

Specifically, NCBC seeks to change the jurisdictional status of 144.12 acres of land onboard NCBC from proprietary jurisdiction to concurrent jurisdiction. Correspondingly, the federal government would change all land onboard NCBC currently classified as exclusive jurisdiction to concurrent jurisdiction with the State of Mississippi.

The move for concurrent jurisdiction was identified as a need for the Navy base as early as 1971. Due to a variety of reasons, it appears that movement on this issue has been derailed from time to time. In light of current events, it is now more of an imperative to finally resolve and conclude the process to convert the status of jurisdiction on this base.

One requirement of this process is to include, in our submission, written reactions to this proposal from federal and state law enforcement entities. We hope we can count on you to support this proposal. After receipt of your opinion, the correspondence would be forwarded to the Commander in Chief, U.S. Atlantic Fleet for final approval of the requested jurisdiction change.

Please respond at your earliest convenience. Address responses to the attention of the Staff Judge Advocate. If you have any questions, you can reach NCBC's Staff Judge Advocate at (228) 871-2626. Again, your assistance is greatly appreciated.

Sincerely,



CHRISTOPHER D. MORA
Lieutenant, U.S. Navy
Judge Advocate General's Corps
Staff Judge Advocate
By direction

- Enclosures:
1. Letter to Ms. Jane Buttross of 6 March 2000
 2. Letter to Peyton Prospere of 1 May 2001
 3. Letter to Peyton Prospere of 10 May 2001
 4. Letter to Peyton Prospere of 5 July 2001
 5. Letter to Peyton Prospere of 28 March 2002
 6. Letter from Bob Short, Mayor, City of Gulfport
 7. NCBC Gulfport Base Map
 8. Letter from Mr. Brad Pigott, United States Attorney's Office
 9. Letter from Mr. Edwin T. Cofer, State of Mississippi Office of Attorney General
 10. Letter from Ms. Cono Caranna, District Attorney, Second Circuit Court District
 11. Letter from Mr. Joe Price, Harrison County, Mississippi Sheriff
 12. Letter from Mr. George H. Payne, Jr., Chief of Police, Gulfport, Mississippi

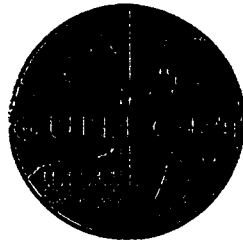
CITY of GULFPORT

BOB SHORT
Mayor

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three



Mayor-Council Form of Government

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Samuel H. "Sam" Albritton, Jr.
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

March 15, 2000

P.O. BOX 1780
GULFPORT, MISSISSIPPI 39502-1780
TELEPHONE (601) 868-5700

Lt. James E. Carsten
United States Navy
Judge Advocate General's Corps
Staff Judge Advocate
Naval Construction Battalion Center
5200 CBC 2nd Street
Gulfport, Mississippi 39501-5001

Re: 5800Ser 16/0066, 6 March 00

Dear Lt. Carsten:

I am writing in response to your March 6, 2000 letter requesting a jurisdictional change on a portion of the Naval Construction Battalion Center property in Gulfport.

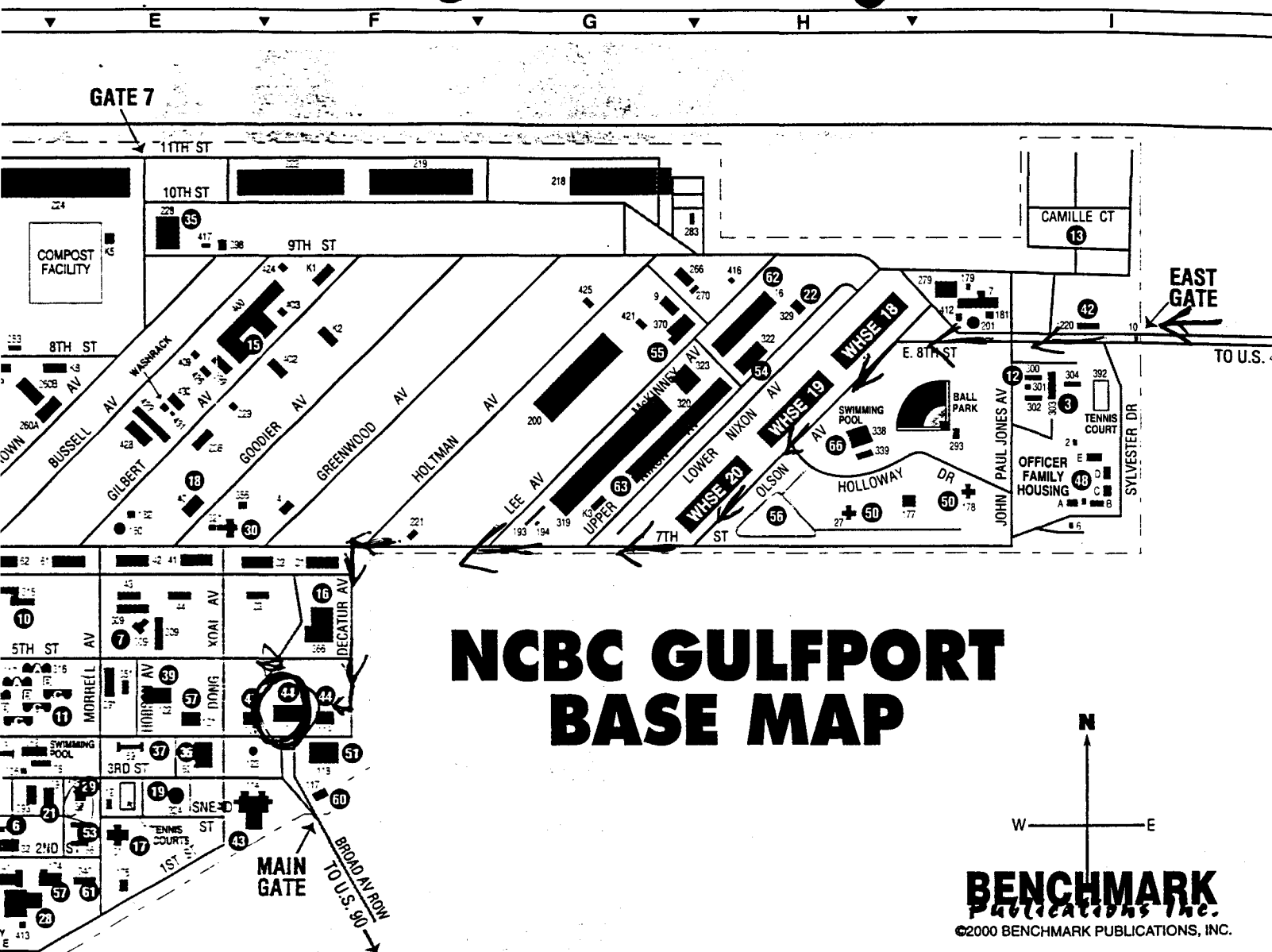
I fully support your proposed transfer of approximately 957.45 acres of federal jurisdictional property from exclusive jurisdiction to concurrent jurisdiction. It is my understanding this change is largely due to new family housing units that have been built and are being occupied in exclusive federal jurisdictional areas.

Please do not hesitate to contact me if I can be of further assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob", is written over the printed name "Bob Short".

Bob Short, Mayor
City of Gulfport



NCBC GULFPORT BASE MAP

BENCHMARK
Publications Inc.
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REPRODUCTION WARNING

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KEY	FACILITY (Bldg.)	GRID	KEY	FACILITY (Bldg.)	GRID	KEY	FACILITY (Bldg.)	GRID
32	GALLEY 367	D-3	46	NAVY LODGE (331)	D-4	37	SEABEE MUSEUM (59)	
33	GOLF COURSE (36)	B-2	30	NAVY RELIEF (30)	E-3	58	SECURITY DEPARTMENT (117)	
34	GREEN ISSUES WAREHOUSE (225)	C-1	47	OFFICER FAMILY HOUSING	I-2	59	SERVICE STATION (340)	
35	GYMNASIUM 361	C-3	4	OUTDOOR RECREATION CENTER	C-3	61	STINGER'S (342)	
36	HAZARDOUS/FLAMMABLE WAREHOUSE (223)	E-1	49	PSD ADMIN. (118)	F-3	62	STOCK RECEIVING FACILITY (320)	
34	HOUSING OFFICE 29	D-3	50	PARADE FIELD (214)	D-4	53	SUPPLY OPERATIONS (322)	
37	LIBRARY (59)	E-3	51	PARK PAVILION (27, 178, 231, 410)	A-1, H-2	63	SWIMMING POOL, COMMUNITY (338)	
38	MCDONALDS	D-3	49	PERSONNEL SUPPORT DET. (118)	F-3	64	SWIMMING POOL, MILITARY (262)	
39	MILITARY TRAINING (122)	E-3	52	POST OFFICE (86)	E-4	65	THEATER (341)	
40	NAVY/MARINE CORPS RESERVE CTR. (114)	E-4	53	PUBLIC WORKS ADMIN./ENGR. (322)	H-2	66	RCHB/MIUW (428)	
41	NCBC 20TH NOR HEADQUARTERS (1)	F-3	54	PUBLIC WORKS FIELD OFFICE (370)	G-2	67	WAR RESERVES WAREHOUSE (223)	
42	NCBC ADMIN. SHOPS 343-347	D-2	55	RNMCB HEADQUARTERS (79)	D-3	68	ATHLETIC FIELDS	
43	NMCB HEADQUARTERS (113)	F-3	30	RED CROSS (30)	E-4	69	(5TH ST., SNEED ST., PARK)	
44	NMCB HEADQUARTERS (120)	E-3	56	RESERVE BRIGADE HEADQUARTERS (121)	E-3		TENNIS COURTS (3RD ST., GYM.)	
45	NAVOCEAN SCAT (406)	C-3	40	RESERVE RNCR/RCBC HEADQUARTERS (114)	E-4			
46	NAVY LEGAL SERVICE OFFICE (30)	E-3	57	SEABEE EQUIP. MAINT. FAC. (241)	C-2			

ENCLOSURE (8)



United States Attorney
Southern District of Mississippi

U.S. Department of Justice

August 27, 1999

188 East Capitol Street
Suite 500
Jackson, Mississippi 39201

601-965-4480

Lt. James E. Carsten
United States Navy
Judge Advocate General's Corps
Staff Judge Advocate
Naval Construction Battalion Center
5200 CBC 2nd Street
Gulfport, Mississippi 39501-5001

Dear Lt. Carsten:

I am writing in response to your 7 June 1999 letter soliciting our support to change a portion of the Naval Construction Battalion Center property from exclusive jurisdiction to concurrent jurisdiction.

The United States Attorney's Office for the Southern District of Mississippi supports the change in jurisdiction of approximately 957.45 acres of the Naval Construction Battalion Center from exclusive jurisdiction to concurrent jurisdiction.

If we can be of further assistance, please let us know.

Sincerely,

BRAD PIGOTT
United States Attorney

STATE OF MISSISSIPPI



OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERAL

OPINION
DIVISION

May 7, 1999

Lt. James E. Carsten
Judge Advocate General's Corps
United States Navy
Naval Construction Batalion Center
5200 CBC 2nd Street
Gulfport, Mississippi 39501-5001

Your Reference Number: 5800
Ser 16/0050
23 Apr 99

Dear Lieutenant Carsten:

Attorney General Mike Moore has received your letter and has assigned it to me for research and reply.

Your letter seeks guidance as to the transfer from the exclusive jurisdiction of the United States to concurrent jurisdiction with the State of Mississippi of a substantial portion of the Naval Construction Battalion Center in Gulfport, Mississippi. Pursuant to Section 7-5-25 of the *Mississippi Code of 1972*, the Attorney General is authorized to issue official opinions only to designated public officials and agencies on questions of law relating to their respective offices. Therefore, we are unable to reply to your request for legal guidance with an official opinion.

However, we may and hereby do respond informally to said request. Section 7-1-13 of the *Mississippi Code of 1972* provides:

Lt. James E. Carsten
May 7, 1999
Page 2

The governor shall transact all the business of the state, civil and military, with the United States government or with any other state or territory, except in cases otherwise specially provided by law.

Therefore, it appears that the matter of negotiating with the State of Mississippi for the transfer from exclusive jurisdiction status to concurrent jurisdiction status is in fact a matter which should be addressed by the governor of the State of Mississippi.

Your letter further seeks the reaction of this office to the proposed change. We may and hereby do respond formally by stating that the Attorney General of the State of Mississippi has no objection to the transfer from the exclusive jurisdiction of the United States to concurrent jurisdiction with the State of Mississippi of a substantial portion of the Naval Construction Battalion Center in Gulfport, Mississippi.

Very truly yours,

MIKE MOORE, ATTORNEY GENERAL

By



Edwin T. Cofer
Special Assistant Attorney General

OFFICE OF THE DISTRICT ATTORNEY
SECOND CIRCUIT COURT DISTRICT
HARRISON, HANCOCK and STONE COUNTIES
HARRISON COUNTY COURTHOUSE



CONO CARANNA
DISTRICT ATTORNEY

P.O. BOX 1444
BILOXI, MS 39533

PHONE 228-435-8246
FAX 228-435-8287

P.O. BOX 1180
GULFPORT, MS 39502

PHONE 228-865-4003
FAX 228-865-4239

PLEASE REPLY TO:
GULFPORT

June 24, 1999

Lt. James E. Carsten
Staff Judge Advocate
5200 CBC 2nd Street
Gulfport, MS 39501

RE: 5800 Ser 16/0066, 7 June 99

Dear Lt. Carsten:

I have reviewed your letter of June 7, 1999 with regard to the Navy's request for a jurisdictional change at the Naval Construction Battalion Center Gulfport. I have also reviewed the map of the involved property which you were kind enough to furnish me. This office supports the shift of all base property to concurrent jurisdiction.

We look forward to continuing the effective relationship which exists among the civilian and military law enforcement agencies, the NCBC and this office. Please contact me if I may be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Cono Caranna".

CONO CARANNA
DISTRICT ATTORNEY

CC:dl

HARRISON COUNTY SHERIFF'S DEPARTMENT



JOE PRICE, Sheriff

228-865-7060

228-865-7095

June 22, 1999



Department of the Navy
Naval Construction Battalion Center
Attention: Staff Judge Advocate
5200 CBC 2nd Street
5201 Gulfport, Mississippi 39501-5001



Dear Sir:

I am writing in support of your request for a jurisdictional change to property on the Naval Construction Battalion Center in Gulfport, and the Harrison County Sheriff's Department has no problem with the proposed addition.



I understand that the jurisdictional change will require approximately 957.45 acres of federal jurisdictional property to be retroceded to concurrent jurisdiction, while the proprietary areas will be upgraded. This change is largely due to new family housing units that have been built and are being occupied in exclusive federal jurisdictional areas.

If I can be of any further assistance to you in this matter, please do not hesitate to call me.

With best regards, I am

Sincerely,

**JOE PRICE
SHERIFF**

HARRISON COUNTY, MISSISSIPPI

JP/ml

cc: Administrative Master File

P.O. BOX 1480
GULFPORT, MISSISSIPPI 39502

ENCLOSURE (12)



Bob Short
Mayor & Police Commissioner

GULFPORT POLICE DEPARTMENT

MAYOR COUNCIL FORM OF GOVERNMENT
2220 15TH STREET
P.O. DRAWER "S"
GULFPORT, MS 39502
228-868-5959



George H. Payne, Jr.
Chief of Police

July 12, 1999

Judge Advocate General's Corps
Attn: Staff Judge Advocate
5200 CBC 2nd Street
Gulfport, MS 39501-5001

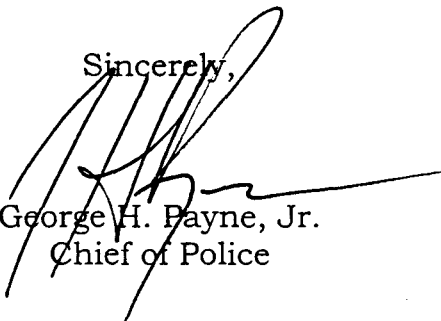
RE: 5800 Ser 16/0068

Dear Sir:

Thank you for notifying this department of the Naval Construction Battalion Center's intent to request a jurisdictional change on its property. I support the proposed change which will shift all base property to concurrent jurisdiction requiring approximately 957.45 acres of exclusive federal jurisdictional property to be retrocede to concurrent jurisdiction, while the proprietary areas will be upgraded.

Please advise as to the results of this request and if approved the date of the change.

Sincerely,


George H. Payne, Jr.
Chief of Police

Cc: file

Draft

From: Commanding Officer, Naval Construction Battalion Center,
Gulfport, MS
To: Commander, Naval Facilities Engineering Command
Via: (1) Commanding Officer, Southern Division, Naval
Facilities Engineering Command
(2) Commander, Navy Region Southeast
(3) Commander, Naval Shore Activities, U.S. Atlantic Fleet
(Code N443)
(4) Commander in Chief, U.S. Atlantic Fleet (Code N02L)
(5) Chief of Naval Operations

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL
JURISDICTION

Ref: (a) NAVFAC P-73, Real Estate Procedural Manual

Encl: (1) Existing Legislative Jurisdiction Real Estate Map
(2) United States Attorney, Southern District of
Mississippi ltr of 27 Aug 99
(3) Attorney General, State of Mississippi ltr of 7 May 99
(4) State of Mississippi District Attorney ltr of 24 Jun
99
(5) Harrison County Sheriff ltr of 22 Jun 99
(6) City of Gulfport, Chief of Police ltr of 12 Jul 99
(7) Crime Statistics for NCBC, Gulfport
(8) Legal Descriptions, Title Information, Summary of
Acreage, and Affidavit of Ownership

1. Respectfully request that all tracts of exclusive federal jurisdiction be relinquished to concurrent jurisdiction with the State of Mississippi. In addition, respectfully request that the relatively small tracts of land that currently are under proprietary jurisdiction be changed to concurrent jurisdiction.

2. The Naval Construction Battalion Center, Gulfport, Mississippi, is comprised of approximately 1101 acres of real estate subject to various types of legislative jurisdiction. Enclosures (1) and (8) provide information on the estate compromising the Naval Construction Battalion Center, Gulfport. Of particular concern is the 144.12 acres of proprietary jurisdiction. This area consists of the front gate, one fence line, and what was in the enlisted housing area. Due to increased demand for family housing, new units were built and are currently occupied in exclusive federal jurisdictional areas.

3. At present there exists numerous disadvantages in maintaining exclusive federal jurisdiction over the vast majority of land of the Naval Construction Battalion Center. Offenses committed by individuals not subject to the Uniform Code of Military Justice must be prosecuted in federal court. With the exception to more serious offenses, constraints on resources make enforcement

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL JURISDICTION

difficult. Approval of this request will promote consistency and predictability with respect to criminal law enforcement and would also assist law enforcement agencies to better allocate their resources. It would additionally benefit the command's policy-making and decision-making processes.

4. In accordance with reference (a), the following information is submitted in support of this request:

- a. Present jurisdictional status: Enclosures (1) and (8) identify the areas under exclusive and proprietary information.
- b. Reason for request: Exclusive jurisdiction is unnecessary over the base since there are no military functions performed that require exclusive jurisdiction. Therefore, continuance of the exclusive jurisdiction is contrary to Navy policy as outlined in reference (a). In addition, having concurrent jurisdiction throughout the base will provide the necessary enforcement of state and federal law.
- c. Determine whether Mississippi's acceptance of retrocession of federal legislative jurisdiction or the relinquishment of proprietary jurisdiction may require an act of the state legislature: Based on Chapter 5 of Title 3 of the Mississippi Code and previous requests of Naval Station Pascagoula, no such act is anticipated.
- d. The estate held by the United States in the areas, including how and when acquired must be specified: This information is delineated in enclosures (1) and (8). Metes and bounds descriptions are held by the Commanding Officer, Southern Division, Naval Facilities Engineering Command, Charleston, South Carolina.
- e. Legal description of the areas over which jurisdiction is proposed are forwarded as enclosures(1) and (8).

4. Per reference (a) proposal reaction letters, enclosures (2) through (6), and the crime statistics, enclosure (7) are attached. Many attempts were made to ascertain the reaction to this request from the City of Gulfport Attorney's office. Orally the City Attorney indicated that he would forward a letter so indicating. Once that letter is received it will be sent forward to supplement this request.

5. Point of contact at the Naval Construction Battalion Center for any questions regarding this matter is LT James E. Carsten, Staff Judge Advocate, DSN: 868-2626/ commercial (228) 871-2626 or Mrs. Sally Wilson, Facilities Planner, DSN: 868-2484/commercial (228) 871-2484.

B. R. KELM
Captain, CEC, U.S. Navy
Commanding Officer

Copy to w/o encls:

COMSECONDNCB

CNET

CO, NMCB-1

CO, NMCB-7

CO, NMCB-74

CO, NMCB-133

CO, NCTC

OIC, PSD Gulfport

OIC, BMC Gulfport

OIC, Branch Dental Clinic Gulfport

NCIS

MEMORANDUM OF UNDERSTANDING

Between

**Naval Construction Battalion Center(NCBC), Naval Criminal
Investigation Service(NCIS), Harrison County Sheriff's
Department(HCSD), Gulfport Police Department(GPD) and Long
Beach Police Department(LBPD)**

1. Purpose. The purpose of this memorandum is to delineate an understanding among the subscribing officials as representatives of Construction Battalion Center Gulfport, MS(CBC), the Gulfport Police Department(GPD), Long Beach Police Department(LBPD), Harrison County Sheriff's Department(HCSD) and the Naval Criminal Investigative Service(NCIS) relating to the investigation of offenses which occur on CBC Gulfport; the reporting of the certain types of offenses; arrests effected by NCIS, HCSD, LBPD, GPD on CBC Gulfport. CBC Gulfport is defined as all property in Harrison County over which the Department of the Navy is authorized to exert control.

2. Policy. CBC Gulfport, HCSD, LBPD, and the GPD recognize that proper administration and discipline in the Armed Forces require that, ordinarily, offenses committed by military personnel on CBC Gulfport be investigated and prosecuted by the military. While inflexible policies regarding investigative and prosecutorial responsibilities are not feasible where both military and civilian authorities may have investigative jurisdiction and prosecutorial interest, the procedures set forth herein are intended to make the investigation and prosecution of offenses more expeditious and efficient. This memorandum does not apply to offenses cognizable only under the Uniform Code of Military Justice (UCMJ), nor does it apply to investigations for administrative or security purposes.

3. NOW, THEREFORE, IT IS AGREED: The parties involved agree to undertake the actions outlined below:

a. CBC Gulfport:

- Shall be primarily responsible for traffic control, enforcement of base traffic regulations, and investigation of motor vehicle accidents on board CBC Gulfport.
- Shall follow the United States District Court Notice in situations where problems or difficulties are encountered in traffic enforcement involving civilians on board CBC Gulfport.
- Shall be primarily responsible for investigating major/minor criminal offenses committed on CBC Gulfport. In certain cases where NCIS may decline investigative responsibility, it will be assumed by the

CBC Gulfport Public Safety Department Investigations Division.

- Shall follow the United States District Court Violation Notice when investigating minor offenses committed by civilian personnel on CBC Gulfport.
- Shall immediately notify GPD concerning all major criminal offenses including all domestic disturbances involving civilian dependants.
- Shall work jointly with HCSD, LBPD, and GPD on major criminal investigations when both military and civilians interests are involved.
- Shall work jointly with HCSD, LBPD, and GPD concerning any breach of security, terrorists activities and unlawful penetration to any government property when both military and civilian interests are involved.

b. HCSD, LBPD AND GPD

- * Shall coordinate with CBC staff Judge Advocate, NCIS and Public Safety Department when serving an arrest warrant on board CBC Gulfport. Delivery of service member pursuant to a warrant shall occur per Chapter 6 of the Manual of the Judge Advocate General, and shall occur with the Staff Judge Advocate's knowledge and assent. The location of the execution of arrest warrants shall be at the direction of the Staff Judge Advocate.

c. CBC Gulfport, HCSD, LBPD and GPD

- Agree for the purpose of emergency response, that certain formal operating procedures shall be followed in terms of requesting, dispatching, and redeploying emergency units and operating at the scene of emergency situations.
- Agree that the Police Chief, Sheriff, or delegate, of a jurisdiction requesting assistance shall be the sole judge of how much assistance is needed.
- Agree that the Police Chief(s) or Sheriff of the party receiving the request for assistance shall have the responsibility of determining, pursuant to the governmental policy of his jurisdiction, the level and the personnel to be devoted in response to the requested assistance furnished to any given incident.
- Agree that in no way is the other party liable to the other or any other person, firm or corporation for the determination to supply assistance supplied upon such request following such determination.
- Agree that the assisting Police Department units or Sheriff Department shall operate under the direction of

the Police Chief, Sheriff or other authorized person in command of emergency operations for the jurisdiction requesting assistance.

- Agree that the Police Chiefs/Sheriff joining in this agreement may adopt standard operating procedures to provide for incident command and management, communications, safety and such other aspects of operations as are necessary to provide for health and safety of the public and emergency response personnel.
- Agree that the scope of this agreement may include mutual agreement in responding to police emergencies, crime scenes, medical emergencies, hazardous material incidents, rescue and extrication situations and other types of emergency incidents that are within the scope of services provided by the police departments/sheriff's department.
- Agree to participate in multi-jurisdictional drills and exercises, training programs, pre-incident planning, post-incident critiques and other activities to enhance safe and effective emergency operations when practical and feasible to participate.
- Agree to assume their own costs and expenses incurred, or to be incurred, as a result of such drills and exercises, programs, planning, critiques, and other activities.
- Agree that the spirit of this agreement is to encourage the development of cooperative procedures and protocols, including but not limited to joint purchasing, communications coordination, training, health and safety, crime prevention, public education, crime investigations, and other activities that will enhance the ability of the police departments to fulfill their missions.
- Agree that nothing in this agreement shall limit the ability of any or all of the parties from agreeing to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this agreement.
- Agree that no party to this agreement by the executions of said agreement or by the requesting or providing of assistance under this agreement has assumed any obligation or binding legal responsibility to provide the resources, equipment, facilities or personnel of such responding jurisdiction outside its geographic area of jurisdiction, either in the instance of the

initial request for assistance or any future request for assistance.

- Agree that from the time of arrival to the time of departure at the emergency scene, the party providing assistance shall be considered for all purposes to be under the direction and control of the party requesting assistance.
- Agree that in proceeding to and returning from the emergency scene, the party providing assistance shall be considered to be an independent contractor for all purposes, and not under the direction and control of the party requesting assistance.
- Agree that at no time shall the employees, agents or representative, whether during or after the arrival at an emergency scene or during or after the departure therefrom, of one party be in any way considered the employees, agents, or representatives of another party and nothing contained in this Memorandum of Understanding in any way creates a relationship between or among the parties as principal and agent, master and servant, employer and employee, or like similar relationship.
- Agree that it is not intended by this agreement to create, and nothing contained in this agreement shall create, any partnership, joint venture or similar arrangement among the parties hereto. In addition, no separate legal or administrative entity shall be created by this agreement.
- Agree that no term or provision of this agreement is intended to, or shall, create any rights in any person, firm, corporation agreement by giving thirty(30) days notice in writing to all parties involved to the addresses identified in each party's signature page attached hereto.
- Agree that nothing in this Inter-local Memorandum of Understanding shall in any way waive, reduce, limit, or otherwise affect the various immunities (governmental, sovereign, good faith, or otherwise), defenses, or any other legal protections granted or afforded to the parties had this agreement never been executed.
- Agree that nothing in this Inter-local Memorandum of Understanding shall in any way impose, place, or confer any liability, contingent or otherwise, upon the parties which would not have existed or been imposed, placed, or conferred but for the execution of this agreement.
- Agree that this Memorandum of Understanding may be modified by mutual consent unilaterally with thirty days written notice. The provisions outlined in this Memorandum of Understanding shall be reviewed annually

during the month subscribed below. The Memorandum of Understanding is subject to Federal Law, and if Federal Law modifies or nullifies any provisions, Federal Law will control.

4. This Memorandum of Understanding shall commence upon following events:

- I. Approval by Resolution of the governing authorities, boards, or representatives of each of the parties;
 - II. Execution of the agreement in behalf of the respective parties;
 - III. Submission of agreement to the Attorney General of the State of Mississippi and approval or ratification by law and filing of the agreement with the Chancery Clerk of Harrison County and the office of the Mississippi Secretary of State in conformity with the requirements of Miss. Code Ann. Section 17-13-11(1972)
5. This agreement shall continue in force until terminated as provided above. Each participating law enforcement agency shall retain ownership of any equipment or property it brings to the performance of this agreement.

____Date:_____
B.R. KELM
Commanding Officer
CBC Gulfport, MS

____Date:_____
GEORGE PAYNE
Sheriff
Harrison County, MS

____Date:_____
JOE SLAGEL
Special Agent
NCIS Gulfport, MS

____Date:_____
WAYNE PAYNE
Chief of Police
Gulfport Police Department

____Date:_____
DONALD JUSTIN
Director Public Safety
CBC Gulfport, MS

____Date:_____
THOMAS BISHOP
Chief of Police
Long Beach Police Department

STAFF JUDGE ADVOCATE (CODE 16)
NAVAL CONSTRUCTION BATTALION CENTER
GULFPORT, MS 39501-5000

FAX: (228) 871 - 2975
DSN 868 - 2975

TELEPHONE: (228) 871 - 2626
DSN: 868 - 2626

DATE: _____

TO: MR Bill HOWING

FROM: NCBC SJA OFFICE

COMMENTS: _____

COVER SHEET + 42 PAGE(S)
FAXED TO: 583-7472

**DEPARTMENT OF THE NAVY**

NAVAL CONSTRUCTION BATTALION CENTER

5200 CBC 2ND STREET

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser Code 16/0087

AUG 02 2002

Mr. William J. Holling
Realty Specialist
Code 061/ Real Estate Division
Cadastral Services and Jurisdiction
Southern Division
Naval Facilities Engineering Command
2155 Eagle Drive
P.O. Box 190010
North Charleston, SC 29419-9010

Dear Mr. Holling:

As per our conversations, enclosed please find correspondence and documents located within the Naval Construction Battalion Center Gulfport real estate file on the base jurisdiction change.

I hope this package assists you in evaluating where we stand in this process and avoid unnecessary or duplicative efforts.

Again, thank you for your assistance in this matter. If you have any questions or concerns regarding the information herein, please contact me at (228) 871-2626. I look forward to our continued efforts to finally change NCBC's jurisdiction.

Sincerely,

A handwritten signature in black ink, reading "Chris D. Mora", is written over a horizontal line.

CHRISTOPHER D. MORA

Lieutenant, U.S. Navy

Judge Advocate General's Corps

Staff Judge Advocate

By direction

- Enclosures:
1. Letter to Ms. Jane Buttross of 6 March 2000
 2. Letter to Peyton Prospere of 1 May 2001
 3. Letter to Peyton Prospere of 10 May 2001
 4. Letter to Peyton Prospere of 5 July 2001
 5. Letter to Peyton Prospere of 28 March 2002
 6. Letter to Peyton Prospere of 2 August 2002
 7. Letter from Bob Short, Mayor, City of Gulfport

"Home of the Atlantic Fleet Seabees"

8. NCBC Gulfport Base Map
9. Letter from Mr. Brad Pigott, United States Attorney's Office
10. Letter from Mr. Edwin T. Cofer, State of Mississippi Office of Attorney General
11. Letter from Ms. Cono Caranna, District Attorney, Second Circuit Court District
12. Letter from Mr. Joe Price, Harrison County, Mississippi Sheriff
13. Letter from Mr. George H. Payne, Jr., Chief of Police, Gulfport, Mississippi



DEPARTMENT OF THE NAVY
NAVAL CONSTRUCTION BATTALION CENTER
5200 CBC 2ND STREET
GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO:

5800

Ser 160013

6 Mar 00

Ms. Jayne Buttross
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Ms. Buttross:

The Naval Construction Battalion Center has recently requested a jurisdictional change to its real estate. Currently, the center occupies approximately 1101.57 acres, of which, all is under exclusive federal jurisdiction except 144.12 acres of proprietary property. The proprietary tracts consist mainly of the family housing.

Recently new family housing units have been built in exclusive federal jurisdictional areas. The command has requested a shift of all property to concurrent jurisdiction. In approximately 957.45 acres, the federal government would relinquish exclusive jurisdiction to concurrent jurisdiction with the State of Mississippi. We are also seeking the improvement in jurisdictional status from proprietary to concurrent in the other 144.12 acres. I believe this may be accomplished pursuant to Sections 7-1-13 and 3-5-3 of the *Mississippi Code*. If our request is ultimately approved, our real estate officer within the Southern Division of the Naval Facilities Engineering Command would contact the Governor's office directly.

One requirement of the process is to obtain the written opinions of the local, state, and federal law enforcement agencies. After we obtained the requisite information we submitted our request through our chain of command. In addition to the normal requirements. The Commander in Chief of the Atlantic Fleet has requested the Governor's written opinion on the matter.

For your information I have enclosed a copy of our submitted request. I have also enclosed a map of the Naval Construction Battalion Center and a map of the surrounding area for reference purposes. Please address your response to the attention of CODE 16. Do not hesitate to contact my Staff Judge Advocate at (228) 871-2626 for questions.

Sincerely,

A handwritten signature in black ink, appearing to read "James E. Carsten", is written over the typed name.

JAMES E. CARSTEN
Lieutenant, JAGC, USN
By direction of the
Commanding Officer

**DEPARTMENT OF THE NAVY**

NAVAL CONSTRUCTION BATTALION CENTER

5200 CBC 2ND STREET

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser Code 16/ 0138

01 MAY 2001

Mr. Peyton Prospere
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

The Naval Construction Battalion Center, Gulfport (NCBC) contacted Ms. Jane Buttross from your office on March 6, 2000 requesting to change the jurisdiction onboard the NCBC from exclusive and proprietary jurisdiction to concurrent jurisdiction. Specifically, NCBC seeks to change the jurisdictional status of 144.12 acres of land onboard NCBC from proprietary jurisdiction to concurrent jurisdiction. Correspondingly, the federal government would change all land onboard NCBC currently classified as exclusive jurisdiction to concurrent jurisdiction with the State of Mississippi. I am including all documentation previously sent to Ms. Buttross with this letter.

Please contact me if you have any questions or concerns pertaining to this matter. I can be reached at (228) 871-2626. Your assistance is greatly appreciated.

Sincerely,

M. E. Richards
Lieutenant, JAGC, USNR
Staff Judge Advocate
By direction of the Commanding Officer

- Enclosures:
1. Letter to Ms. Jane Buttross.
 2. Letter from Bob Short, Mayor, City of Gulfport
 3. NCBC Gulfport Base Map
 4. Letter from Mr. Brad Pigott, United States Attorney's Office
 5. Letter from Mr. Edwin T. Cofer, State of Mississippi Office of Attorney General
 6. Letter from Ms. Cono Caranna, District Attorney, Second Circuit Court District
 7. Letter from Mr. Joe Price, Harrison County, Mississippi Sheriff
 8. Letter from Mr George H. Payne, Jr., Chief of Police, Gulfport, Mississippi

**DEPARTMENT OF THE NAVY**

NAVAL CONSTRUCTION BATTALION CENTER

5200 CBC 2ND STREET

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser Code 16/ 0141

10 MAY 2001

Mr. Peyton Prospere
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

The purpose of this letter is to provide clarification on my letter to your office dated May 1, 2001. My previous letter was intended to solicit a written opinion from your office regarding changing the jurisdiction onboard the Naval Construction Battalion Center, Gulfport (NCBC). After receipt of your opinion, the correspondence will be forwarded to the Commander in Chief, U.S. Atlantic Fleet for final approval of the requested jurisdiction change.

I apologize about any misunderstandings or inconvenience my previous letter may have caused. Please contact me if you have any questions or concerns pertaining to this matter. I can be reached at (228) 871-2626. Your assistance is greatly appreciated.

Sincerely,

A handwritten signature in dark ink, appearing to read "M. E. Richards", is written over a horizontal line.

M. E. Richards
Lieutenant, JAGC, USNR
Staff Judge Advocate
By direction of the Commanding Officer

Enclosures: 1. Letter to Mr. Peyton Prospere dated 1 May 2001

**DEPARTMENT OF THE NAVY**

NAVAL CONSTRUCTION BATTALION CENTER
5200 CBC 2ND STREET
GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser 16/0159

05 JUL 2001

Mr. Peyton Prospere
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

The purpose of this letter is to follow-up on my letter to your office dated May 1, 2001, requesting a change in the jurisdictional status onboard the Naval Construction Battalion Center, Gulfport (NCBC).

Please feel free to contact me if you have any questions or concerns pertaining to this matter. I can be reached at (228) 871-2626. Your assistance is greatly appreciated.

Sincerely,

M. E. Richards
Lieutenant, JAGC, USNR
Staff Judge Advocate
By direction of the Commanding Officer

Enclosures: 1. Letter to Mr. Peyton Prospere dated 1 May 2001

**DEPARTMENT OF THE NAVY**

NAVAL CONSTRUCTION BATTALION CENTER

5200 CBC 2ND STREET

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser 16/0039

28 MAR 2002

Mr. Peyton Prospere
State of Mississippi
Office of the Governor
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

My name is Lieutenant Christopher Mora and, as of January 2002, I serve as the Staff Judge Advocate for the Naval Mobile Construction Battalion Center (NCBC) in Gulfport. The purpose of this letter is to follow-up on a series of communications between this office and yours.

My predecessor Lieutenant Marvin Richards informed me that he sought to solicit a written opinion from your office regarding changing the jurisdiction onboard the Naval Construction Battalion Center, Gulfport (NCBC). Specifically, NCBC seeks to change the jurisdictional status of 144.12 acres of land onboard NCBC from proprietary jurisdiction to concurrent jurisdiction. Correspondingly, the federal government would change all land onboard NCBC currently classified as exclusive jurisdiction to concurrent jurisdiction with the State of Mississippi. After receipt of your opinion, the correspondence would be forwarded to the Commander in Chief, U.S. Atlantic Fleet for final approval of the requested jurisdiction change.

Reviewing the notes here, I understand that NCBC contacted Ms. Jane Buttross from your office as early as March 6, 2000 with a request to change the jurisdiction onboard the NCBC from exclusive and proprietary jurisdiction to concurrent jurisdiction. I also understand that there was some additional correspondence between this office and yours since that time. I have not been able to locate whether or not an opinion was received from your office. I would like to take this opportunity to follow up on this issue and hopefully resolve it in a manner to achieve the concurrent jurisdictional status sought by NCBC.

Please contact me if you have any questions or concerns pertaining to this matter. I can be reached at (228) 871-2626. Your assistance is greatly appreciated.

Sincerely,

A handwritten signature in cursive script, reading "Christopher D. Mora", is written over a horizontal line.

C. D. Mora
Lieutenant, JAGC, USNR
Staff Judge Advocate
By direction

**DEPARTMENT OF THE NAVY**

NAVAL CONSTRUCTION BATTALION CENTER

5200 CBC 2ND STREET

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser Code 16/0086

- AUG 02 2002 -

State of Mississippi
Office of the Governor
Office of Legal Counsel
Attn: Mr. Peyton Prospere
P.O. Box 139
Jackson, MS 39205

Dear Mr. Prospere:

My name is Lieutenant Christopher Mora and I serve as the Staff Judge Advocate for the Naval Construction Battalion Center (NCBC) in Gulfport. The purpose of this letter is to follow-up on a series of communications between our offices.

My predecessor Lieutenant Marvin Richards informed me that he sought to solicit a written opinion from your office regarding changing the jurisdiction onboard NCBC. This reason is also the purpose of my letter. He followed on the heels of his predecessor, Lieutenant Jim Carsten and before him, a Lieutenant Golden in attempts to finalize the jurisdiction change.

Specifically, NCBC seeks to change the jurisdictional status of 144.12 acres of land onboard NCBC from proprietary jurisdiction to concurrent jurisdiction. Correspondingly, the federal government would change all land onboard NCBC currently classified as exclusive jurisdiction to concurrent jurisdiction with the State of Mississippi.

The move for concurrent jurisdiction was identified as a need for the Navy base as early as 1971. Due to a variety of reasons, it appears that movement on this issue has been derailed from time to time. In light of current events, it is now more of an imperative to finally resolve and conclude the process to convert the status of jurisdiction on this base.

One requirement of this process is to include, in our submission, written reactions to this proposal from federal and state law enforcement entities. We hope we can count on you to support this proposal. After receipt of your opinion, the correspondence would be forwarded to the Commander in Chief, U.S. Atlantic Fleet for final approval of the requested jurisdiction change.

Please respond at your earliest convenience. Address responses to the attention of the Staff Judge Advocate. If you have any questions, you can reach NCBC's Staff Judge Advocate at (228) 871-2626. Again, your assistance is greatly appreciated.

Sincerely,

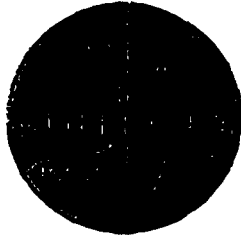


CHRISTOPHER D. MORA
Lieutenant, U.S. Navy
Judge Advocate General's Corps
Staff Judge Advocate
By direction

- Enclosures:
1. Letter to Ms. Jane Buttross of 6 March 2000
 2. Letter to Peyton Prospere of 1 May 2001
 3. Letter to Peyton Prospere of 10 May 2001
 4. Letter to Peyton Prospere of 5 July 2001
 5. Letter to Peyton Prospere of 28 March 2002
 6. Letter from Bob Short, Mayor, City of Gulfport
 7. NCBC Gulfport Base Map
 8. Letter from Mr. Brad Pigott, United States Attorney's Office
 9. Letter from Mr. Edwin T. Cofer, State of Mississippi Office of Attorney General
 10. Letter from Ms. Cono Caranna, District Attorney, Second Circuit Court District
 11. Letter from Mr. Joe Price, Harrison County, Mississippi Sheriff
 12. Letter from Mr. George H. Payne, Jr., Chief of Police, Gulfport, Mississippi

BOB SHORT
Mayor

CITY of GULFPORT



Mayor-Council Form of Government

Jimmie Jenkins
Councilman, Ward One

Richard Rose
Councilman, Ward Two

Ella Holmes-Hines
Councilwoman, Ward Three

Kim B. Savant
Councilman, Ward Four

Ricky Dombrowski
Councilman, Ward Five

Samuel H. "Sam" Albritton, Jr.
Councilman, Ward Six

Billy Hewes
Councilman, Ward Seven

March 15, 2000

P.O. BOX 1780
GULFPORT, MISSISSIPPI 39502-1780
TELEPHONE (601) 868-5700

Lt. James E. Carsten
United States Navy
Judge Advocate General's Corps
Staff Judge Advocate
Naval Construction Battalion Center
5200 CBC 2nd Street
Gulfport, Mississippi 39501-5001

Re: 5800Ser 16/0066, 6 March 00

Dear Lt. Carsten:

I am writing in response to your March 6, 2000 letter requesting a jurisdictional change on a portion of the Naval Construction Battalion Center property in Gulfport.

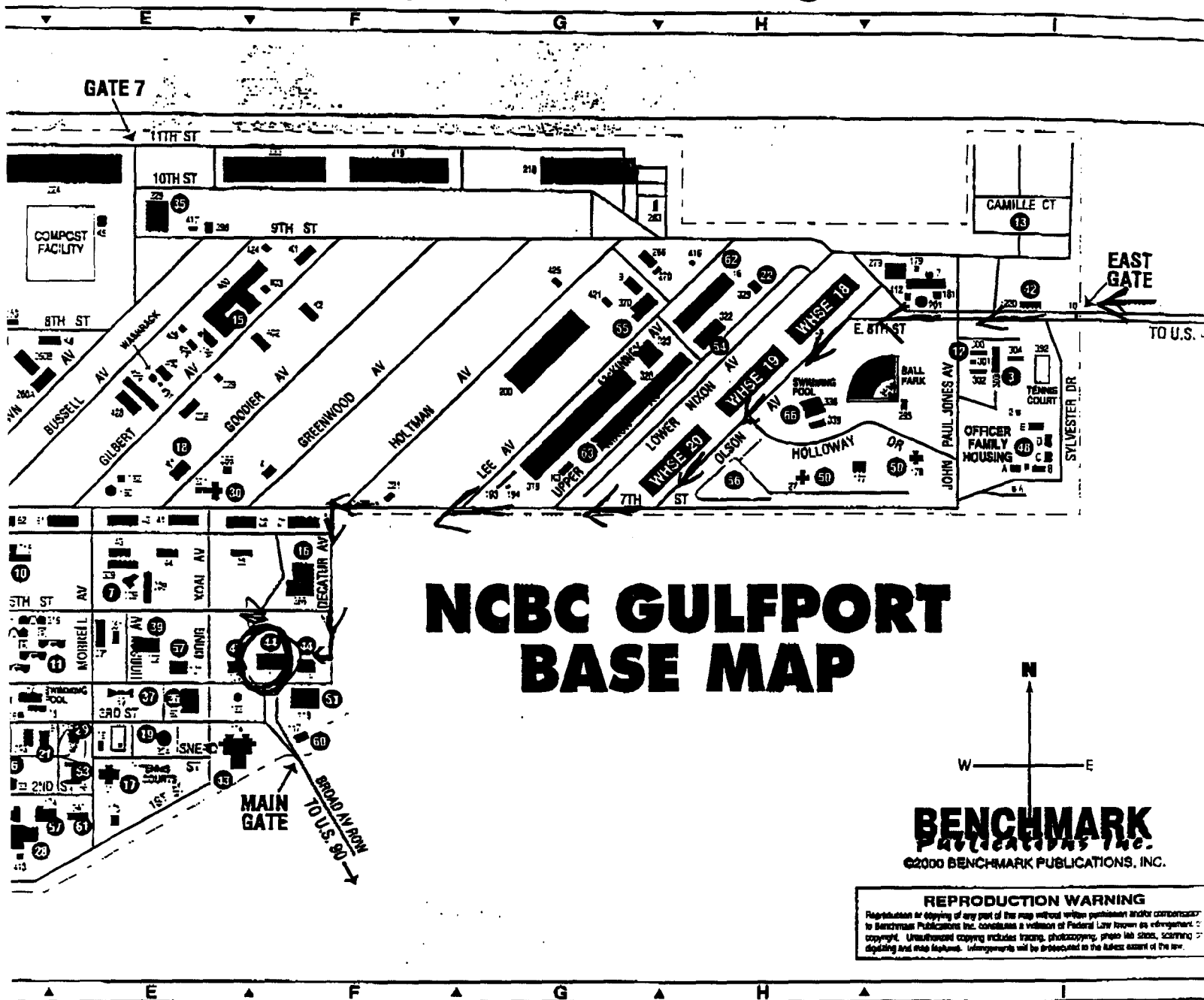
I fully support your proposed transfer of approximately 957.45 acres of federal jurisdictional property from exclusive jurisdiction to concurrent jurisdiction. It is my understanding this change is largely due to new family housing units that have been built and are being occupied in exclusive federal jurisdictional areas.

Please do not hesitate to contact me if I can be of further assistance in this matter.

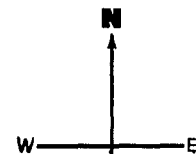
Sincerely,

A handwritten signature in cursive script, appearing to read "Bob", is written over the word "Sincerely,".

Bob Short, Mayor
City of Gulfport



NCBC GULFPORT BASE MAP



BENCHMARK
PUBLICATIONS INC.

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FACILITY (Bldg.)	GRID	KEY	FACILITY (Bldg.)	GRID	KEY	FACILITY (Bldg.)
GALLEY 367	D-3	46	NAVY LODGE (331)	D-4	37	SEABEE MUSEUM (59)
GOLF COURSE (35)	B-2	30	NAVY RELIEF (30)	E-3	58	SECURITY DEPARTMENT (117)
GREEN ISSUES WAREHOUSE (225)	C-1	47	OFFICER FAMILY HOUSING	I-2	59	SERVICE STATION (340)
GYMNASIUM 381	C-3	4	OUTDOOR RECREATION CENTER	C-3	61	STINGER'S (342)
HAZARDOUS FLAMMABLE WHSE (223)	E-1	49	PSD ADMIN. (118)	F-3	62	STOCK RECEIVING FACILITY (320)
HOUSING OFFICE (29)	D-3	50	PARADE FIELD (214)	D-4	53	SUPPLY OPERATIONS (322)
LIBRARY (59)	E-3	51	PARK PAVILION (27, 178, 231, 410)	A-1, H-2	63	SWIMMING POOL, COMMUNITY (338)
MCDONALDS	D-3	49	PERSONNEL SUPPORT DET. (118)	F-3	64	SWIMMING POOL, MILITARY (262)
MILITARY TRAINING (122)	E-3	52	POST OFFICE (86)	E-4	65	THEATER (341)
NAVY/MARINE CORPS RESERVE CTR. (114)	E-4	53	PUBLIC WORKS ADMIN/ENGR. (322)	H-2	66	RCHB/MIUW (428)
NCBC 20TH MCR HEADQUARTERS (1)	F-3	54	PUBLIC WORKS FIELD OFFICE (370)	G-2	67	WAR RESERVES WAREHOUSE (223)
NOTO ADMIN. SHOPS 343-347	D-2	55	RNMCB HEADQUARTERS (79)	D-3	68	ATHLETIC FIELDS
NMCR HEADQUARTERS (119)	F-3	30	RED CROSS (30)	E-4		(5TH ST., SNEED ST., PARK)
NMCR HEADQUARTERS (120)	E-3	56	RESERVE BRIGADE HEADQUARTERS (121)	E-3	69	TENNIS COURTS (3RD. ST., GYM.)
NAVY OCEANOGRAPHIC (406)	C-3	40	RESERVE RNCB/RCBC HEADQUARTERS (114)	E-4		
NAVY LEGAL SERVICE OFFICE (30)	E-3	57	SEABEE EQUIP. MAINT. FAC. (241)	C-2		



United States Attorney
Southern District of Mississippi

U.S. Department of Justice

August 27, 1999

188 East Capitol Street
Suite 500
Jackson, Mississippi 39201

601-965-4480

Lt. James E. Carsten
United States Navy
Judge Advocate General's Corps
Staff Judge Advocate
Naval Construction Battalion Center
5200 CBC 2nd Street
Gulfport, Mississippi 39501-5001

Dear Lt. Carsten:

I am writing in response to your 7 June 1999 letter soliciting our support to change a portion of the Naval Construction Battalion Center property from exclusive jurisdiction to concurrent jurisdiction.

The United States Attorney's Office for the Southern District of Mississippi supports the change in jurisdiction of approximately 957.45 acres of the Naval Construction Battalion Center from exclusive jurisdiction to concurrent jurisdiction.

If we can be of further assistance, please let us know.

Sincerely,

BRAD PIGOTT
United States Attorney

ENCLOSURE (2)

STATE OF MISSISSIPPI



OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERAL

OPINION
DIVISION

May 7, 1999

Lt. James E. Carsten
Judge Advocate General's Corps
United States Navy
Naval Construction Battalion Center
5200 CBC 2nd Street
Gulfport, Mississippi 39501-5001

Your Reference Number: 5800
Ser 16/0050
23 Apr 99

Dear Lieutenant Carsten:

Attorney General Mike Moore has received your letter and has assigned it to me for research and reply.

Your letter seeks guidance as to the transfer from the exclusive jurisdiction of the United States to concurrent jurisdiction with the State of Mississippi of a substantial portion of the Naval Construction Battalion Center in Gulfport, Mississippi. Pursuant to Section 7-5-25 of the *Mississippi Code of 1972*, the Attorney General is authorized to issue official opinions only to designated public officials and agencies on questions of law relating to their respective offices. Therefore, we are unable to reply to your request for legal guidance with an official opinion.

However, we may and hereby do respond informally to said request. Section 7-1-13 of the *Mississippi Code of 1972* provides:

Lt. James E. Carsten
May 7, 1999
Page 2

The governor shall transact all the business of the state, civil and military, with the United States government or with any other state or territory, except in cases otherwise specially provided by law.

Therefore, it appears that the matter of negotiating with the State of Mississippi for the transfer from exclusive jurisdiction status to concurrent jurisdiction status is in fact a matter which should be addressed by the governor of the State of Mississippi.

Your letter further seeks the reaction of this office to the proposed change. We may and hereby do respond formally by stating that the Attorney General of the State of Mississippi has no objection to the transfer from the exclusive jurisdiction of the United States to concurrent jurisdiction with the State of Mississippi of a substantial portion of the Naval Construction Battalion Center in Gulfport, Mississippi.

Very truly yours,

MIKE MOORE, ATTORNEY GENERAL

By



Edwin T. Cofer
Special Assistant Attorney General

OFFICE OF THE DISTRICT ATTORNEY
SECOND CIRCUIT COURT DISTRICT
HARRISON, HANCOCK and STONE COUNTIES
HARRISON COUNTY COURTHOUSE

P.O. BOX 1444
BLOXI, MS 39533

PHONE 228-435-8246
FAX 228-435-8287



CONO CARANNA
DISTRICT ATTORNEY

P.O. BOX 1180
GULFPORT, MS 39502

PHONE 228-865-4003
FAX 228-865-4239

PLEASE REPLY TO:
GULFPORT

June 24, 1999

Lt. James E. Carsten
Staff Judge Advocate
5200 CBC 2nd Street
Gulfport, MS 39501

RE: 5800 Ser 16/0066, 7 June 99

Dear Lt. Carsten:

I have reviewed your letter of June 7, 1999 with regard to the Navy's request for a jurisdictional change at the Naval Construction Battalion Center Gulfport. I have also reviewed the map of the involved property which you were kind enough to furnish me. This office supports the shift of all base property to concurrent jurisdiction.

We look forward to continuing the effective relationship which exists among the civilian and military law enforcement agencies, the NCBC and this office. Please contact me if I may be of further assistance.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cono Caranna".

CONO CARANNA
DISTRICT ATTORNEY

CC:dl

HARRISON COUNTY SHERIFF'S DEPARTMENT



JOE PRICE, Sheriff

228-865-7060

228-865-7095

June 22, 1999



Department of the Navy
Naval Construction Battalion Center
Attention: Staff Judge Advocate
5200 CBC 2nd Street
5201 Gulfport, Mississippi 39501-5001



Dear Sir:

I am writing in support of your request for a jurisdictional change to property on the Naval Construction Battalion Center in Gulfport, and the Harrison County Sheriff's Department has no problem with the proposed addition.



I understand that the jurisdictional change will require approximately 957.45 acres of federal jurisdictional property to be retroceded to concurrent jurisdiction, while the proprietary areas will be upgraded. This change is largely due to new family housing units that have been built and are being occupied in exclusive federal jurisdictional areas.

If I can be of any further assistance to you in this matter, please do not hesitate to call me.

With best regards, I am

Sincerely,

**JOE PRICE
SHERIFF**

HARRISON COUNTY, MISSISSIPPI

JP/ml

cc: Administrative Master File

P.O. BOX 1480
GULFPORT, MISSISSIPPI 39502

ENCLOSURE (5)



Bob Short
Mayor & Police Commissioner

GULFPORT POLICE DEPARTMENT

MAYOR COUNCIL FORM OF GOVERNMENT

2220 15TH STREET
P.O. DRAWER "S"
GULFPORT, MS 39502
228-868-5959



George H. Payne, Jr.
Chief of Police

July 12, 1999

Judge Advocate General's Corps
Attn: Staff Judge Advocate
5200 CBC 2nd Street
Gulfport, MS 39501-5001

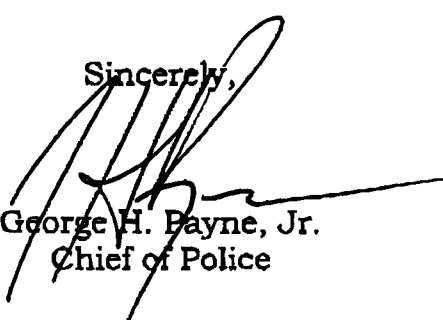
RE: 5800 Ser 16/0068

Dear Sir:

Thank you for notifying this department of the Naval Construction Battalion Center's intent to request a jurisdictional change on its property. I support the proposed change which will shift all base property to concurrent jurisdiction requiring approximately 957.45 acres of exclusive federal jurisdictional property to be retrocede to concurrent jurisdiction, while the proprietary areas will be upgraded.

Please advise as to the results of this request and if approved the date of the change.

Sincerely,


George H. Payne, Jr.
Chief of Police

Cc: file


11011
Code 061/WJH
5 November 1999

FIRST ENDORSEMENT on NCBC GULFPORT MS ltr 5800 Ser 16/0107 of 20 Sep 99

From: Commanding Officer, Southern Division, Naval Facilities Engineering Command
To: Commander, Naval Facilities Engineering Command
Via: (1) Commander, Navy Region Southeast
(2) Commander, Naval Shore Activities, U.S. Atlantic Fleet (Code N443)
(3) Commander in Chief, U.S. Atlantic Fleet (Code N02L)
(4) Chief of Naval Operations

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL JURISDICTION

1. Forwarded recommending approval of change to concurrent legislative jurisdiction.


E. R. Nelson, Jr.
By direction

Copy to:

CO NCBC GULFPORT MS
(ATTN: LT CARSTEN - SJA)

**DEPARTMENT OF THE NAVY**

COMMANDER IN CHIEF
U.S. ATLANTIC FLEET
1562 MITSCHER AVENUE SUITE 250
NORFOLK, VA. 23551-2487

5800
Ser N02L2/ 0011
18 Jan 00

From: Commander in Chief, U.S. Atlantic Fleet
To: Commanding Officer, Naval Construction Battalion Center,
Gulfport, MS

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL
JURISDICTION

Ref: (a) PHONCON CLF (N02LR) CDR Silberman/SJA, NAVSTA
GULFPORT of 7 Jan 00
(b) CAPT L. V. Marchette ltr 5800 Ser 16/0107 of 20 Sep 99

1. Confirming reference (a), action on your request, reference (b), to adjust federal legislative jurisdiction over nine discrete areas of Naval Construction Battalion Center (NCBC) Gulfport, MS, is pending our receipt of additional information, repeated below for your convenience.

2. First, with respect to five areas of NCBC Gulfport, totaling approximately 957 acres, you recommend relinquishing exclusive federal jurisdiction in favor of concurrent jurisdiction. Please provide correspondence from the City of Gulfport concurring in your request to extend local jurisdiction over these lands.

3. Second, with respect to four other areas of NCBC Gulfport, totaling approximately 144 acres and over which presently the federal government has only proprietary jurisdiction, you recommend acquiring concurrent federal jurisdiction. Before we may act on this request, you must provide an outline of the circumstances which make it necessary for the federal government to acquire concurrent jurisdiction, and a full justification therefor in light of the Navy policy to seek the minimum degree of jurisdiction required for its mission. In reference (b) you explained that the federal government should relinquish exclusive jurisdiction in favor of concurrent jurisdiction in order to permit State and local authorities to prosecute those criminal offenses committed in those areas by civilians that federal authorities lack the resources to prosecute. However, the request does not explain why concurrent jurisdiction is necessary for the areas of proprietary jurisdiction. In addition, please forward documentation demonstrating the State

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL
JURISDICTION

of Mississippi's intent to assent to the proposed acquisition of
federal jurisdiction.

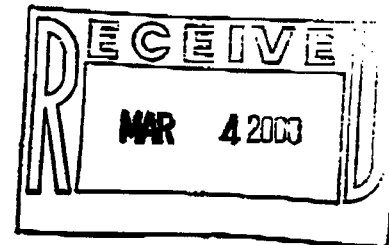
4. By copy of this letter, Southern Division, Naval Facilities
Engineering Command, is requested to assist you with these
matters.

5. CINCLANTFLT POC is LCDR Karen M. Somers, N02L2, Assistant
Fleet Judge Advocate. She can be reached at (757)-836-6412 or
DSN 836-6412.



T. R. CRABTREE
Deputy Director
Shore Activities Readiness

Copy to:
COMNAVREG SOUTHEAST (N02L)
COMNAVFACENG SOUTH DIV



1996

	<u>ACTIVE / %</u>	<u>CIVILIAN / %</u>	<u>JUVENILE / %</u>	<u>UNKNOWN / %</u>	<u>TOTAL</u>
ASSAULT	15 / 62.5%	2 / 8.3%	5 / 20.8%	2 / 8.3%	24
BURGLARY	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
DISORDERLY CONDUCT	25 / 64.1%	8 / 20.52%	4 / 10.27%	2 / 5.23%	39
DOMESTIC DISPUTE	2 / 100%	0 / 0%	0 / 0%	0 / 0%	2
DRUG ABUSE	4 / 66.66%	1 / 16.66%	1 / 16.66%	0 / 0%	6
HOMICIDE	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
PROPERTY DAMAGE	5 / 7.02%	2 / 2.81%	1 / 1.40%	63 / 88.73%	71
THEFT	14 / 13.86%	7 / 6.93%	3 / 2.97%	77 / 76.23%	101
TRESPASSING	1 / 25%	3 / 75%	0 / 0%	0 / 0%	4
TRAFFIC ACCIDENTS	26 / 63.41%	13 / 31.80%	0 / 0%	2 / 4.87%	41

1997

	<u>ACTIVE / %</u>	<u>CIVILIAN / %</u>	<u>JUVENILE / %</u>	<u>UNKNOWN / %</u>	<u>TOTAL</u>
ASSAULT	11 / 57.89%	7 / 36.84%	0 / 0%	1 / 5.27%	19
BURGLARY	1 / 100%	0 / 0%	0 / 0%	0 / 0%	1
DISORDERLY CONDUCT	18 / 56.25%	14 / 43.75%	0 / 0%	0 / 0. %	32
DOMESTIC DISPUTE	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
DRUG ABUSE	3 / 100%	0 / 0%	0 / 0%	0 / 0%	3
HOMICIDE	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
PROPERTY DAMAGE	6 / 11%	3 / 5.5%	0 / 0%	45 / 83.5%	64
THEFT	7 / 10.93%	10 / 15.62%	0 / 0%	47 / 73.45%	64
TRESPASSING	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
TRAFFIC ACCIDENTS	32 / 57.14%	22 / 39.28%	1 / 1.78%	1 / 1.78%	56

1998

	<u>ACTIVE / %</u>	<u>CIVILIAN / %</u>	<u>JUVENILE / %</u>	<u>UNKNOWN / %</u>	<u>TOTAL</u>
ASSAULT	11 / 64.7%	5 / 29.41%	1 / .058%	0 / 0%	17
BURGLARY	0 / 0%	0 / 0%	0 / 0%	3 / 100%	1
DISORDERLY CONDUCT	17 / 65.38%	3 / 17.64%	0 / 0%	3 / 17.64%	26
DOMESTIC DISPUTE	4 / 100%	0 / 0%	0 / 0%	0 / 0%	4
DRUG ABUSE	2 / 66.66%	1 / 33.33%	0 / 0%	0 / 0%	3
HOMICIDE	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
PROPERTY DAMAGE	18 / 23.37%	14 / 18.18%	1 / 1.29%	44 / 57.14%	77
THEFT	10 / 15.62%	3 / 4.68%	1 / 1.56%	50 / 78.12%	64
TRESPASSING	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
TRAFFIC ACCIDENTS	32 / 55.17%	21 / 36.20%	0 / 0%	5 / 8.62%	58



DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER

5200 CBC 2ND STREET

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser 16/0307

20 Sep 99

From: Commanding Officer, Naval Construction Battalion Center,
Gulfport, MS

To: Commander, Naval Facilities Engineering Command

Via: (1) Commanding Officer, Southern Division, Naval
Facilities Engineering Command
(2) Commander, Navy Region Southeast
(3) Commander, Naval Shore Activities, U.S. Atlantic Fleet
(Code N443)
(4) Commander in Chief, U.S. Atlantic Fleet (Code N02L)
(5) Chief of Naval Operations

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL
JURISDICTION

Ref: (a) NAVFAC P-73, Real Estate Procedural Manual

Encl: (1) Existing Legislative Jurisdiction Real Estate Map
(2) United States Attorney, Southern District of
Mississippi ltr of 27 Aug 99
(3) Attorney General, State of Mississippi ltr of 7 May 99
(4) State of Mississippi District Attorney ltr of 24 Jun
99
(5) Harrison County Sheriff ltr of 22 Jun 99
(6) City of Gulfport, Chief of Police ltr of 12 Jul 99
(7) Crime statistics for NCBC, Gulfport
(8) Legal Descriptions, Title Information, Summary of
Acreage, and Affidavit of Ownership

1. Respectfully request that all tracts of exclusive federal jurisdiction be relinquished to concurrent jurisdiction with the State of Mississippi. In addition, respectfully request that the relatively small tracts of land that currently are under proprietary jurisdiction be changed to concurrent jurisdiction.

2. The Naval Construction Battalion Center, Gulfport, Mississippi, is comprised of approximately 1101 acres of real estate subject to various types of legislative jurisdiction. Enclosures (1) and (8) provide information on the estate comprising the Naval Construction Battalion Center, Gulfport. Of particular concern is the 144.12 acres of proprietary jurisdiction. This area consists of the front gate, one fence line, and what was the enlisted housing area. Due to increased demand for family housing, new units were built and are currently occupied in exclusive federal jurisdictional areas.

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL JURISDICTION

3. At present there exists numerous disadvantages in maintaining exclusive federal jurisdiction over the vast majority of land of the Naval Construction Battalion Center. Offenses committed by individuals not subject to the Uniform Code of Military Justice must be prosecuted in federal court. With the exception to more serious offenses, constraints on resources make enforcement difficult. Approval of this request will promote consistency and predictability with respect to criminal law enforcement and would also assist law enforcement agencies to better allocate their resources. It would additionally benefit the command's policy-making and decision-making processes.

4. In accordance with reference (a), the following information is submitted in support of this request:

a. Present jurisdictional status: Enclosures (1) and (8) identify the areas under exclusive and proprietary information.

b. Reason for request: Exclusive jurisdiction is unnecessary over the base since there are no military functions performed that require exclusive jurisdiction. Therefore, continuance of the exclusive jurisdiction is contrary to Navy policy as outlined in reference (a). In addition, having concurrent jurisdiction throughout the base will provide the necessary enforcement of state and federal law.

c. Determine whether Mississippi's acceptance of retrocession of federal legislative jurisdiction or the relinquishment of proprietary jurisdiction may require an act of the state legislature: Based on Chapter 5 of Title 3 of the Mississippi Code and previous requests of Naval Station Pascagoula, no such act is anticipated.


d. The estate held by the United States in the areas, including how and when acquired must be specified: This information is delineated in enclosures (1) and (8). Metes and bounds descriptions are held by the Commanding Officer, Southern Division, Naval Facilities Engineering Command, Charleston, South Carolina.

e. Legal description of the areas over which jurisdiction is proposed are forwarded as enclosure (1) and (8).

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL
JURISDICTION

5. Per reference (a) proposal reaction letters, enclosures (2) through (6), and the crime statistics, enclosure (7) are attached. Many attempts were made to ascertain the reaction to this request from the City of Gulfport Attorney's office. Orally the City Attorney indicated that he was not opposed to the request and that he would forward a letter so indicating. Once that letter is received it will be sent forward to supplement this request.

6. Point of contact at the Naval Construction Battalion Center for any questions regarding this matter is LT James E. Carsten, Staff Judge Advocate, DSN: 868-2626/commercial (228) 871-2626 or Mrs. Sally Wilson, Facilities Planner, DSN: 868-2484/commercial (228) 871-2484.


L. V. MARCHETTE
Captain, CEC, U.S. Navy
Commanding Officer

Copy to w/o encls:

COMSECONDNCE

CNET

CO, NMCE-1

CO, NMCE-7

CO, NMCE-74

CO, NMCE-133

CO, NCTC

OIC, PSD Gulfport

OIC, BMC Gulfport

OIC, Branch Dental Clinic Gulfport

NCIS

NAVAL CONSTRUCTION BATTALION CENTER
GULFPORT, MISSISSIPPI

PARCEL A

A tract of Government land located in Harrison County, Mississippi, said tract being more particularly described as follows:

BEGINNING at a concrete monument at the northeast corner of Section 1, Township 8 South, Range 12 West, St. Stevens Meridian in Harrison County, Mississippi;

THENCE N 89°58'41" E a distance of 7720.77 feet;
THENCE S 00°08'50" W a distance of 658.01 feet;
THENCE S 89°43'13" E a distance of 2116.99 feet;
THENCE N 00°19'08" E a distance of 652.37 feet;
THENCE S 89°27'43" E a distance of 612.44 feet;
THENCE S 00°39'23" W a distance of 898.38 feet;
THENCE S 89°42'31" E a distance of 149.15 feet;
THENCE S 00°11'59" W a distance of 1730.30 feet;
THENCE S 89°55'09" W a distance of 5225.74 feet;
THENCE S 00°36'38" W a distance of 1473.12 feet;
THENCE S 61°27'58" W a distance of 194.22 feet;
THENCE S 61°28'47" W a distance of 192.02 feet;
THENCE N 00°06'00" E a distance of 81.60 feet;
THENCE S 61°29'00" W a distance of 1690.30 feet;
THENCE N 00°06'00" E a distance of 338.14 feet;
THENCE S 89°33'00" W a distance of 846.57 feet;
THENCE N 00°34'00" E a distance of 108.70 feet;
THENCE N 00°23'00" E a distance of 728.10 feet;
THENCE S 90°00'00" W a distance of 652.00 feet;
THENCE N 00°00'00" E a distance of 529.00 feet;
THENCE N 89°55'00" W a distance of 228.50 feet;
THENCE N 00°05'00" E a distance of 509.10 feet;
THENCE N 89°55'00" W a distance of 1767.80 feet;
THENCE S 00°05'00" W a distance of 2459.16 feet;
THENCE N 89°55'40" W a distance of 224.99 feet;
THENCE N 28°18'01" W a distance of 3007.70 feet;
THENCE N 89°59'06" W a distance of 1024.17 feet;
THENCE N 00°02'29" E a distance of 2629.18 feet;
THENCE N 89°54'06" E a distance of 2655.32 feet to the **POINT OF BEGINNING**;

Said land situate at Naval Construction Battalion Center, Gulfport, Harrison County, Mississippi, containing \pm 954.11 acres more or less.

PARCEL A
954.11 ACRES

Title to **736.38 acres** of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 911.50 acres of land in Harrison County, Mississippi, and E. B. Dantzler, et al. Civil Action No. 216" filed on April 29, 1942 in the United States District Court in and for the Southern Division of the Southern District of Mississippi. **Navy Tracts I, IA and VII**

Title to **2.40 acres** of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 2.4 acres of land in Harrison County, Mississippi - Mrs. Anna J. Ott, et al. Civil Action No. 224" filed on November 6, 1942 in the United States District Court in and for the Southern Division of the Southern District of Mississippi. **Navy Tract II**

Title to **215.33 acres** of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 223 acres of land in Harrison County, Mississippi, Mrs. Gladys Finston, et al. Civil Action No. 285" filed on May 5, 1943 in the United States District Court in and for the Southern Division of the Southern District of Mississippi. **Navy Tract III**

NAVAL CONSTRUCTION BATTALION CENTER
GULFPORT, MISSISSIPPI

PARCEL B

A tract of Government land located in Harrison County, Mississippi. said tract being more particularly described as follows:

COMMENCING at a concrete monument at the southwest corner of fractional Section 6, Township 8, South Range 11 West, St. Stevens Meridian in Harrison County, Mississippi; **THENCE** N 00°08'32" E a distance of 17.00 feet to an iron pipe; **THENCE** N 89°55'40" E a distance of 31.00 feet to an iron pipe and the **POINT OF BEGINNING**;

THENCE N 00°05'00" E a distance of 2459.16 feet;
THENCE S 89°55'00" E a distance of 1767.80 feet;
THENCE S 00°05'00" W a distance of 509.10 feet;
THENCE S 89°55'00" E a distance of 228.50 feet;
THENCE S 00°00'00" W a distance of 529.00 feet;
THENCE N 90°00'00" E a distance of 652.00 feet;
THENCE S 00°23'00" W a distance of 728.10 feet;
THENCE S 00°34'00" W a distance of 108.7 feet;
THENCE N 89°33'00" E a distance of 846.57 feet;
THENCE S 00°06'00" W a distance of 414.80 feet;
THENCE S 61°36'40" W a distance of 338.14 feet;
THENCE N 61°29'00" E a distance of 1690.30 feet;
THENCE S 00°06'00" W a distance of 81.60 feet;
THENCE N 61°28'47" E a distance of 192.02 feet;
THENCE S 28°33'00" E a distance of 80.00 feet;
THENCE N 61°28'00" E a distance of 192.00 feet;
THENCE N 28°33'02" W a distance of 120.64 feet;
THENCE N 28°31'00" W a distance of 40.60 feet;
THENCE S 61°29'00" W a distance of 1668.10 feet;
THENCE S 00°06'00" W a distance of 46.30 feet;
THENCE S 61°36'40" W a distance of 384.05 feet;
THENCE N 89°55'40" W a distance of 1944.81 feet;
THENCE N 00°08'32" E a distance of 17.00 feet;
THENCE N 89°55'40" W a distance of 1195.39 feet to the **POINT OF BEGINNING**;

Said land situate at Naval Construction Battalion Center, Gulfport, Harrison County, Mississippi, containing \pm 143.98 acres more or less.

**PARCEL B
143.98 ACRES**

Title to **127.85 acres** of the above described land was conveyed to the United States of America by The Board of Trustees, Institutions of Higher Learning of the State of Mississippi by Quitclaim Deed dated December 5, 1966 and recorded in Record of Deeds No. 580, Page 307, Harrison County, Mississippi. Navy Tract V

Title to **14.56 acres** of the above described land was conveyed to the United States of America by the Harrison County Board of Education, Harrison County, Mississippi by Quitclaim Deed dated January 31, 1968 and recorded in Record of Deeds No. 604, Page 33, Harrison County, Mississippi. Navy Tract VI

Title to **1.21 acres** of the above described land was conveyed to the United States of America by the City of Gulfport, Mississippi by Quitclaim Deed dated December 3, 1975 and recorded in Record of Deeds Book 763, Page 620, Harrison County, Mississippi. Navy Tract IX

Title to **0.29 acres** of the above described land was conveyed to the United States of America by Betty and J. J. Hill of Gulfport, Mississippi, by General Warranty Deed dated July 10, 1985 and recorded in Record of Deeds Book 1015, Page 213, Harrison County, Mississippi. Navy Tract X

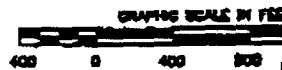
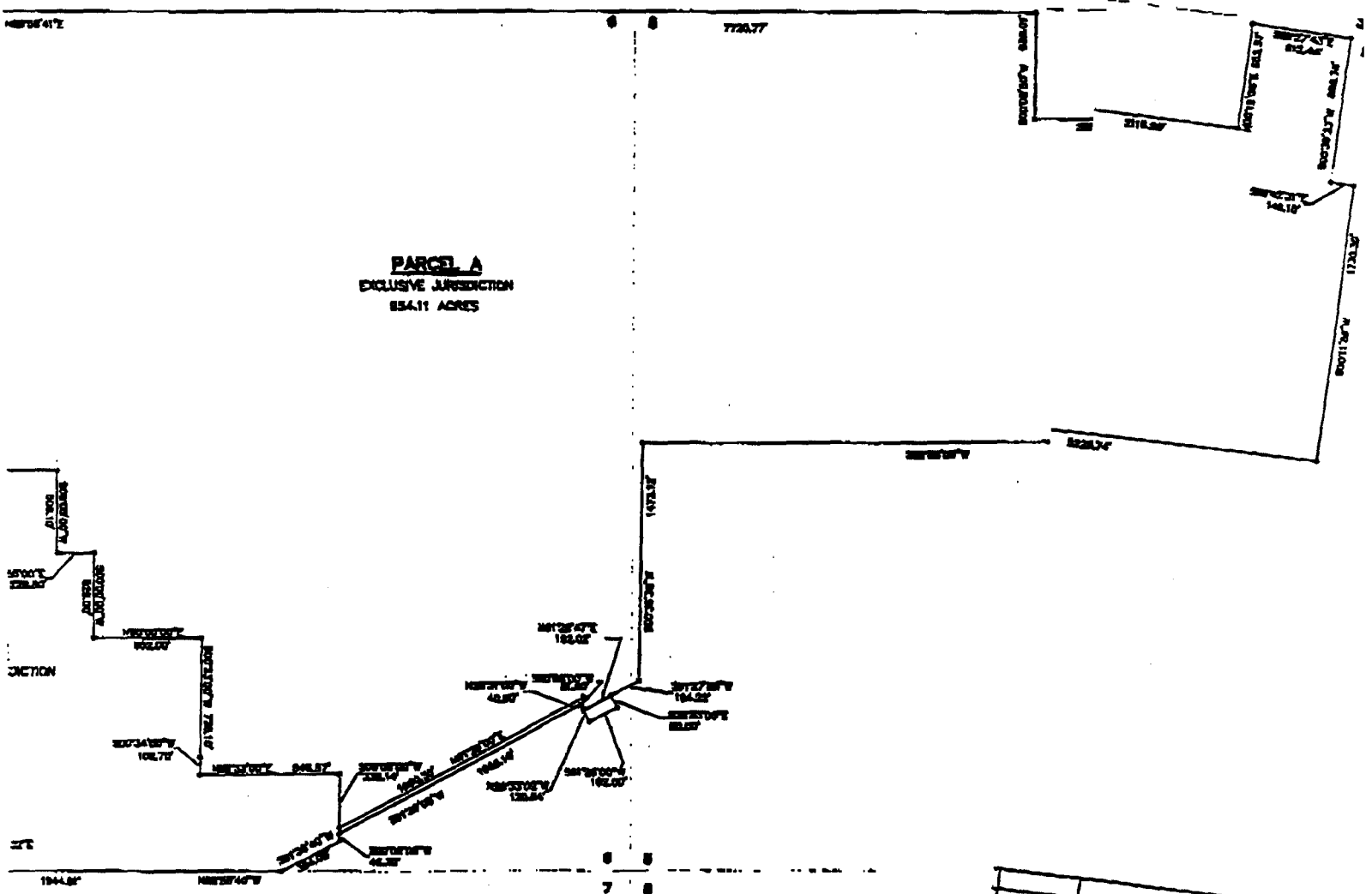
Title to **0.07 acres** of the above described land was conveyed to the United States of America by Shirley Ann Owen of Gulfport, Mississippi by General Warranty Deed dated January 23, 1986 and recorded in Record of Deeds Book 1032, Page 125, Harrison County, Mississippi. Navy Tract XI

**NAVAL CONSTRUCTION BATTALION CENTER
GULFPORT, MISSISSIPPI**

SUMMARY OF ACREAGE AND EXISTING JURISDICTION

TRACT NUMBER	EXCLUSIVE FEDERAL JURISDICTION	PROPRIETORIAL JURISDICTION
I	724.55 acres	
IA	4.07 acres	
II	2.40 acres	
III	215.33 acres	
V		127.85 acres
VI		14.56 acres
VII	7.76 acres	
IX		1.21 acres
X		0.29 acres
XI		0.07 acres
	<hr/>	<hr/>
	954.11 acres	+
		143.98 acres

Total = 1098.09 acres



ALL LAND SHOWN IS LOCATED IN HARRISON COUNTY, MISSISSIPPI

DATE OF SURVEY		DATE OF SURVEY	
BY		BY	
FOR		FOR	
TITLE		TITLE	
SHEET		SHEET	
SCALE		SCALE	
F 80091		F 80091	

REAL ESTATE SUMMARY
NAVAL CONSTRUCTION BATTAL
GULFPORT, MISSISSIPPI
JURISDICTION BOUNDARY

AFFIDAVIT OF WILLIAM J. HOLLING

I William J. Holling, do hereby attest a follows:

1. My name is William J. Holling, I am a Realty Specialist in the Real Estate Division with the Southern Division, Naval Facilities Engineering Command, 2155 Eagle Drive, P. O. Box 190010, North Charleston, South Carolina 29419-9010.


2. I have been employed by the Southern Division, Naval Facilities Engineering Command from 1977 until the present time. My specific position in the Real Estate Division is in Cadastral Services and Jurisdiction. I am responsible for maintaining a copy of all deeds, title instruments and jurisdiction documents relating to the United States of America (Navy's) ownership and jurisdiction over lands at the Naval Construction Battalion Center in Gulfport, Mississippi.

3. The United States of America's fee owned property under control of the Navy at the Naval Construction Battalion Center consists of 1098.09 acres, more or less, of which the United States of America has Exclusive Federal Jurisdiction over 954.11 acres, more or less, and Proprietary Jurisdiction over the balance of 143.98 acres, more or less.

4. I have personally supervised the preparation of and reviewed the enclosed metes and bounds legal descriptions totaling 1098.09 acres, more or less, of the fee owned lands at the Naval Construction Battalion Center in Gulfport, Mississippi, and compared them with the deeds and jurisdiction documents I maintain for the same property. Based on this comparison, I certify and attest that the United States of America (Navy) is the fee owner of the 1098.09 acres, more or less, described in the enclosed legal descriptions.

I do hereby certify and attest under penalty of perjury that the foregoing is true and correct.

Further the affiant sayeth not.



William J. Holling

STATE OF SOUTH CAROLINA)
)
CITY OF NORTH CHARLESTON)

to-wit:

Subscribed and sworn to before me by William J. Holling, who personally appeared before me on this 13th day of July 1999.

My commission expires: 29 November 2003


Gloria L. Smith
Notary Public

MEMORANDUM OF UNDERSTANDING**Between**

Naval Construction Battalion Center (NCBC), Naval Criminal Investigative Service (NCIS), Harrison County Sheriff's Department (HCSD), Gulfport Police Department (GPD) and Long Beach Police Department (LBPD)

1. Purpose. The purpose of this memorandum is to delineate an understanding among the subscribing officials as representatives of Construction Battalion Center Gulfport, MS (CBC), the Gulfport Police Department (GPD), Long Beach Police Department (LBPD), Harrison County Sheriff's Department (HCSD) and the Naval Criminal Investigative Service (NCIS) relating to the investigation of offenses which occur on CBC Gulfport; the reporting of the certain types of offenses; arrests effected by NCIS, HCSD, LBPD and GPD on CBC Gulfport. CBC Gulfport is defined as all property in Harrison County over which the Department of the Navy is authorized to exert control.
2. Policy. CBC Gulfport, HCSD, LBPD and the GPD recognize that proper administration and discipline in the Armed Forces require that, ordinarily, offenses committed by military personnel on CBC Gulfport be investigated and prosecuted by the military. While inflexible policies regarding investigative and prosecutorial responsibilities are not feasible where both military and civilian authorities may have investigative jurisdiction and prosecutorial interest, the procedures set forth herein are intended to make the investigation and prosecution of offenses more expeditious and efficient. This memorandum does not apply to offenses cognizable only under the Uniform Code of Military Justices (UCMJ), nor does it apply to investigations for administrative or security purposes.
3. NOW, THEREFORE, IT IS AGREED: The parties involved agree to undertake the actions outlined below:

a. CBC Gulfport:

- Shall be primarily responsible for traffic control, enforcement of base traffic regulations, and investigation of motor vehicle accidents on board CBC Gulfport.
- Shall follow the United States District

Court Notice in situations where problems or difficulties are encountered in traffic enforcement involving civilians on board CBC Gulfport.

- Shall be primarily responsible for investigating major/minor criminal offenses committed on CBC Gulfport. In certain cases where NCIS may decline investigative responsibility, it will be assumed by the CBC Gulfport Public Safety Department Investigations Division.
- Shall follow the United States District Court Violation Notice when investigating minor offenses committed by civilian personnel on CBC Gulfport.
- Shall immediately notify GPD concerning all major criminal offenses including all domestic disturbances involving civilian dependants.
- Shall work jointly with HCSD, LBPd and GPD on Major criminal investigations when both military and civilian interests are involved.
- Shall work jointly with HCSD, LBPd and GPD concerning any breach of security, terrorist activities and unlawful penetration to any government property when both military and civilian interests are involved.
- Shall investigate and prosecute all offenses when evidence exists that suggest an offense involves fraud against the United States, damage to, misappropriation or larceny of United States property, or National Security.

b. HCSD, LBPd and GPD:

- Shall coordinate with CBC Staff Judge Advocate, NCIS and Public Safety Department when serving an arrest warrant on board CBC Gulfport. Delivery of service member pursuant to a warrant shall occur per Chapter 6 of the Manual of the Judge Advocate General,

and shall occur with the Staff Judge Advocate's knowledge and assent. The location of the execution of arrest warrants shall be at the direction of the Staff Judge Advocate.

c. CBC Gulfport, HCSD, LBPB and GPD:

- Agree for the purpose of emergency response, that certain formal operating procedures shall be followed in terms of requesting, dispatching and redeploying emergency units and operating at the scene of emergency situations.
- Agree that the Police Chief, Sheriff, or delegate, of a jurisdiction requesting assistance shall be the sole judge of how much assistance is needed.
- Agree that the Police Chief(s) or Sheriff of the party receiving the request for assistance shall have the responsibility of determining, pursuant to the governmental policy of his jurisdiction, the level and amount of resources including equipment and personnel to be devoted in response to the requested assistance furnished to any given incident.
- Agree that in no way is other party liable to the other or to any other person, firm or corporation for the determination to supply or not to supply, or to limit the amount of assistance supplied upon such request following such determination.
- Agree that the assisting Police Department units or Sheriff Department shall operate under the direction of the Police Chief, Sheriff or other authorized person in command of emergency operations for the jurisdiction requesting assistance.
- Agree that the Police Chiefs/Sheriff joining in this agreement may adopt standard operating procedures to provide for incident command and

management, communications, safety and such other aspects of operations as are necessary to provide for the health and safety of the public and emergency response personnel.

- Agree that the scope of this agreement may include mutual agreement in responding to police emergencies, crime scenes, medical emergencies, hazardous material incidents, rescue and extrication situations and other types of emergency incidents that are within the scope of services provided by police departments/sheriff's department.
- Agree to participate in multi-jurisdictional drills and exercises, training programs, pre-incident planning, post-incident critiques and other activities to enhance safe and effective emergency operations when practical and feasible to participate.
- Agree to assume their own costs and expenses incurred, or to be incurred, as a result of such drills and exercises, programs, planning, critiques, and other activities.
- Agree that the spirit of this agreement is to encourage the development of cooperative procedures and protocols, including but not limited to joint purchasing, communications coordination, training, health and safety, crime prevention, public education, crime investigations and other activities that will enhance the ability of the police departments to fulfill their missions.
- Agree that nothing in this agreement shall limit the ability of any or all of the parties from agreeing to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this agreement.
- Agree that no party to this agreement by the executions of said agreement or by the

requesting or providing of assistance under this agreement has assumed any obligation or binding legal responsibility to provide the resources, equipment, facilities or personnel of such responding jurisdiction outside its geographic area of jurisdiction, either in the instance of the initial request for assistance or any future request for assistance.

- Agree that from the time of arrival to the time of departure at the emergency scene, the party providing assistance shall be considered for all purposes to be under the direction and control of the party requesting assistance.
- Agree that in proceeding to and returning from the emergency scene, the party providing assistance shall be considered to be an independent contractor for all purposes, and not under the direction and control of the party requesting assistance.
- Agree that at no time shall the employees, agents or representative, whether during or after the arrival at an emergency scene or during or after the departure therefrom, of one party be in any way considered the employees, agents, or representatives of another party and nothing contained in this Memorandum of Understanding in any way creates a relationship between or among the parties as principal and agent, master and servant, employer and employee, or like similar relationship.
- Agree that it is not intended by this agreement to create, and nothing contained in this agreement shall create, any partnership, joint venture or similar arrangement among the parties hereto. In addition, no separate legal or administrative entity shall be created by this agreement.
- Agree that no term or provision of this agreement is intended to, or shall, create any rights in any person, firm, corporation

agreement by giving thirty (30) days notice in writing to all parties involved to the addresses identified in each party's signature page attached hereto.

- Agree that nothing in this Inter-local Memorandum of Understanding shall in any way waive, reduce, limit, or otherwise affect the various immunities (governmental, sovereign, good faith, or otherwise), defenses, or any other legal protections granted or afforded to the parties had this agreement never been executed.
- Agree that nothing in this Inter-local Memorandum of Understanding shall in any way impose, place, or confer any liability, contingent or otherwise, upon the parties which would not have existed or been imposed, placed, or conferred but for the execution of this agreement.
- Agree that this Memorandum of Understanding may be modified by mutual consent unilaterally with thirty days written notice. The provisions outlined in this Memorandum of Understanding shall be reviewed annually during the month subscribed below. The Memorandum of Understanding is subject to Federal Law, and if Federal Law modifies or nullifies any provisions, Federal Law will control.

4. This Memorandum of Understanding shall commence upon following events:

I. Approval by Resolution of the governing authorities, boards, or representatives of each of the parties;

II. Execution of the agreement in behalf of the respective parties;

III. Submission of agreement to the Attorney General of the State of Mississippi and approval or ratification by law and filing of the agreement with the Chancery Clerk of Harrison County and the office of the Mississippi Secretary of State in conformity

with the requirements of Miss. Code Ann. Section 17-13-11 (1972).

5. This agreement shall continue in force until terminated as provided above. Each participating law enforcement agency shall retain ownership of any equipment or property it brings to the performance of this agreement.

B. R. KELM
Commanding Officer
CBC Gulfport, MS

Date: _____

GEORGE PAYNE
Sheriff
Harrison County, MS

Date: _____

JOE SLAGEL
Special Agent
NCIS Gulfport, MS

Date: _____

WAYNE PAYNE
Chief of Police
Gulfport Police Department

Date: _____

DONALD JUSTIN
Director Public Safety
CBC Gulfport, MS

Date: _____

THOMAS BISHOP
Chief of Police
Long Beach Police Department

Date: _____



DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER

4902 MARVIN SHIELDS BLVD

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO:

11011

Ser 16/ 0083

14 MAR 05

Department of the Navy
Southern Division
Naval Facilities Engineering Command
ATTN: Mr. Bill Holling
2155 Eagle Drive
North Charleston, SC 29419-9010

Dear Mr. Holling:

SUBJECT: DEEDS OF CESSION REGARDING NCBC GULFPORT

Please find enclosed the deeds of cession for the base jurisdiction change, filed with the Chancery Clerk of Harrison County, Mississippi, on 3 March 2005.

These deeds are returned to you for the Department of the Navy's records, and so that a copy can be forwarded to Mr. Joe Nosef, Counsel to the Governor of Mississippi.

Thank you for your assistance in this matter.

Sincerely,

W. L. MARTIN
LT, JAGC, USNR
Staff Judge Advocate
By Direction of the
Commanding Officer

*Microfilm this
portion.*

DATE

RESM _____
REC _____
MICRO _____
FILE _____



DEED OF CESSION

SCANNED

KNOW ALL MEN BY THESE PRESENTS:

WHEREAS, the following described lands, within the limits of the County of Harrison, State of Mississippi, have been acquired by purchase and condemnation, and are being held by the United States of America for military purposes, as contemplated and provided for in the Constitution of the United States of America, to wit:

All that certain tract of land, being a portion of Sections 5 and 6, Township 8 South, Range 11 West, and Section 1, Township 8 South, Range 12 West, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a nail set in the concrete of 28th Street for the NW corner of Section 6, T-8-S, R-11-W; Thence S 00°02'28" E along the west line of said Section 6 for a distance of 17.40' to the POINT OF BEGINNING; Thence N 89°47'23" E along the south line of 28th Street for a distance of 7,720.76' to a concrete monument; Thence S 00°00'22" E for a distance of 658.01'; Thence S 89°54'27" E for a distance of 2,117.07' to concrete monument; Thence N 00°07'35" E for a distance of 652.37' to a point on the south line of 28th Street; Thence S 89°38'49" E along the south line of 28th Street for a distance of 612.24' to a spike set in the asphalt; thence S 00°29'41" W for a distance of 898.85' to an iron rod; thence S 89°57'44" E for a distance of 149.64' to a concrete monument; Thence S 00°00'51" W for a distance of 1,730.49' to concrete monument; Thence S 89°44'12" W for a distance of 5,225.58' to concrete monument; Thence S 00°25'21" W for a distance of 1,473.07'; Thence S 61°41'29" W for a distance of 194.05' to an old chain link fence corner post; Thence S 28°31'25" E for a distance of 79.61' to an old chain link fence corner post; Thence S 61°25'33" W for a distance of 192.00' to a concrete monument; Thence N 28°31'25" W for a distance of 120.6' to spike set in the asphalt; Thence S 61°22'57" W for a distance of 1,677.79' to a concrete monument; thence S 00°06'00" W for a distance of 46.30' to an iron pipe; Thence S 61°18'31" W for a distance of 383.56' to a concrete monument; Thence S 89°53'15" W for a distance of 1,958.02' to a concrete monument; Thence N 00°02'28" W for a distance of 17.00'; Thence S 89°53'15" W for a distance of 1,226.37'; Thence N 89°45'59" W for a distance of 194.48'; Thence N 28°30'04" W for a distance of 3,006.01'; Thence S 89°49'15" W for a distance of 1,023.62'; Thence N 00°08'18" W for a distance of 2,629.17' to a point on the south line of 28th Street: Thence N 89°42'22" E along the south line of 28th Street for a distance of 2,655.07' to the POINT OF BEGINNING, containing 1,098.09 acres, more or less.

AND WHEREAS, application in writing has been made by the United States of America to me, Haley Barbour, Governor of the State of Mississippi, to cede to said United States of America exclusive jurisdiction over said lands;



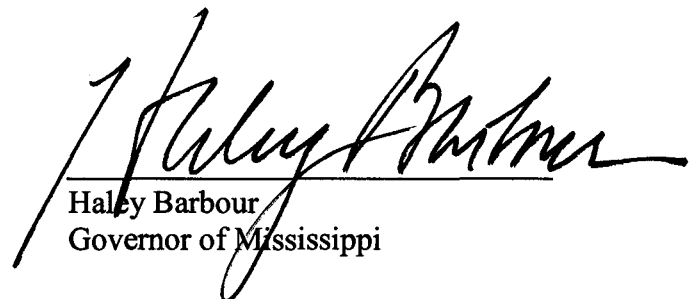
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Instrument 2005 12839 D -J1
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3 Pages Recorded

WJH


AND WHEREAS, application in writing has been made by the United States of America to me, Haley Barbour, Governor of the State of Mississippi, to retrocede to the State of Mississippi, concurrent jurisdiction over said lands so held;

NOW, THEREFORE, I, Haley Barbour, Governor of the State of Mississippi, in the name and by the authority of said State, and pursuant to the statutes of said State in such cases made and provided, do hereby accept concurrent jurisdiction over said lands so held.

IN TESTIMONY WHEREOF, I, Haley Barbour, Governor of the State of Mississippi, have hereunto set my hand and caused this instrument to be countersigned by the Secretary of State and sealed with the Great Seal of the State of Mississippi, at the Capitol, at Jackson, this 15th day of February, in the year of our Lord Two Thousand and Five.


Haley Barbour
Governor of Mississippi

ATTEST:


Eric Clark
Secretary of State of the
State of Mississippi



Grantor:

The United States of America
Department of the Navy
The Assistant Secretary of the Navy
(Installations and Environment)
1000 Navy Pentagon
Washington, D.C. 20350-1000

Grantee:

The Honorable Haley Barbour
Governor of Mississippi
Post Office Box 139
Jackson, MS 39205-0139

Preparer:

Mr. Bruce W. Joseph
Department of the Navy
Southern Division
Naval Facilities Engineering Command
ATTN: Code CO/BWJ
2155 Eagle Drive
PO Box 190010
North Charleston, SC 29419-9010

INDEXING INSTRUCTIONS

Sec. 5-8-11 Entire Section
Sec. 6-8-11 Entire Section
Sec. 1-8-12 N x Unknown
 S x Unknown
 E x Unknown
 W x Unknown

LT W.L. MARTIN

STAFF JUDGE ADVOCATE (CODE 16)

4902 MARVIN SHIELDS BLVD

GULFPORT MS 39501

SCANNED

REVIEWED



1st Judicial District

Instrument 2005 12837 D -J1
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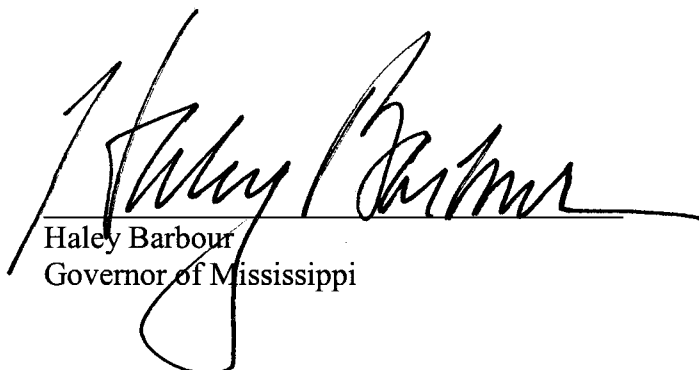
WHEREAS, the following described lands within the limits of Harrison County, State of Mississippi, are held under exclusive jurisdiction by the United States of America for military purposes, to-wit:

All that certain tract of land, being a portion of Sections 5 and 6, Township 8 South, Range 11 West, and Section 1, Township 8 South, Range 12 West, Harrison County, Mississippi, being more particularly described as follows:


COMMENCE at a nail set in the concrete of 28th Street for the NW corner of Section 6, T-8-S, R-11-W; Thence S 00°02'28" E along the west line of said Section 6 for a distance of 17.40' to the POINT OF BEGINNING; Thence N 89°47'23" E along the south line of 28th Street for a distance of 7,720.76' to a concrete monument; Thence S 00°00'22" E for a distance of 658.01'; Thence S 89°54'27" E for a distance of 2,117.07' to concrete monument; Thence N 00°07'35" E for a distance of 652.37' to a point on the south line of 28th Street; Thence S 89°38'49" E along the south line of 28th Street for a distance of 612.24' to a spike set in the asphalt; thence S 00°29'41" W for a distance of 898.85' to an iron rod; thence S 89°57'44" E for a distance of 149.64' to a concrete monument; Thence S 00°00'51" W for a distance of 1,730.49' to concrete monument; Thence S 89°44'12" W for a distance of 5,225.58' to concrete monument; Thence S 00°25'21" W for a distance of 1,473.07'; Thence S 61°41'29" W for a distance of 194.05' to an old chain link fence corner post; Thence S 28°31'25" E for a distance of 79.61' to an old chain link fence corner post; Thence S 61°25'33" W for a distance of 192.00' to a concrete monument; Thence N 28°31'25" W for a distance of 120.6' to spike set in the asphalt; Thence S 61°22'57" W for a distance of 1,677.79' to a concrete monument; thence S 00°06'00" W for a distance of 46.30' to an iron pipe; Thence S 61°18'31" W for a distance of 383.56' to a concrete monument; Thence S 89°53'15" W for a distance of 1,958.02' to a concrete monument; Thence N 00°02'28" W for a distance of 17.00'; Thence S 89°53'15" W for a distance of 1,226.37'; Thence N 89°45'59" W for a distance of 194.48'; Thence N 28°30'04" W for a distance of 3,006.01'; Thence S 89°49'15" W for a distance of 1,023.62'; Thence N 00°08'18" W for a distance of 2,629.17' to a point on the south line of 28th Street: Thence N 89°42'22" E along the south line of 28th Street for a distance of 2,655.07' to the POINT OF BEGINNING, containing 1,098.09 acres, more or less.

NOW THEREFORE, I, Haley Barbour, Governor of the State of Mississippi, in the name and by the authority of said State, and pursuant to the statutes of said State in such cases made and provided, do hereby cede to the United States of America exclusive jurisdiction over said lands so held.

IN TESTIMONY WHEREOF, I, Haley Barbour, Governor of the State of Mississippi, have hereunto set my hand and caused this instrument to be countersigned by the Secretary of State and sealed with the Great Seal of the State of Mississippi, at the Capitol, at Jackson, this 19th day of November, in the year of our Lord, Two Thousand and Four.


Haley Barbour
Governor of Mississippi

ATTEST:


Eric Clark
Secretary of State of the
State of Mississippi



Grantor:

The Honorable Haley Barbour
Governor of Mississippi
Post Office Box 139
Jackson, MS 39205-0139

Phone # N/A

Grantee:

The United States of America
Department of the Navy
The Assistant Secretary of the Navy
(Installations and Environment)
1000 Navy Pentagon
Washington, D.C. 20350-1000

Phone # N/A

Preparer:

Mr. Bruce W. Joseph
Department of the Navy
Southern Division
Naval Facilities Engineering Command
ATTN: Code CO/BWJ
2155 Eagle Drive
PO Box 190010
North Charleston, SC 29419-9010

Phone # N/A

INDEXING INSTRUCTIONS

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 E x Unknown
 W x Unknown

LT W-L. MARTIN
STAFF JUDGE ADVOCATE (CODE 10)
4902 MARVIN SHIELDS BLVD
GULFPORT MS 39501



DEPARTMENT OF THE NAVY
THE ASSISTANT SECRETARY OF THE NAVY
(INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

AUG 27 2003

The Honorable Ronnie Musgrove
Governor of the State of Mississippi
P.O. Box 139
Jackson, MS 39205

Dear Governor Musgrove:

I am writing to request your assistance in adjusting the legislative jurisdiction of the United States of America over approximately 1098.09 acres of land comprising the Naval Construction Battalion Center Gulfport, Mississippi, to establish uniform concurrent legislative jurisdiction over the entire base. The jurisdictional adjustment can be achieved by the United States of America retroceding exclusive jurisdiction over 954.11 acres to the State of Mississippi, and the State's retrocession over the 143.98 acres currently under proprietary jurisdiction of the United States of America to concurrent jurisdiction.

Adjusting the areas currently under exclusive and proprietary legislative jurisdiction to concurrent legislative jurisdiction will promote consistency and predictability in criminal and law enforcement operations and procedures and provide the installation commander the greatest degree of flexibility in dealing with criminal, anti-terrorism and force protection matters.

Accordingly, on behalf of the United States, I request that the State Of Mississippi take appropriate action to establish concurrent legislative jurisdiction over the land identified. This letter will serve as a formal request to the State to approve the State's retrocession to concurrent legislative jurisdiction over 143.98 acres, and to accept concurrent legislative jurisdiction over 954.11 acres from the United States of America.

The United States Department of Justice; the United States Attorney, Southern District of Mississippi; Attorney General, State of Mississippi; State of Mississippi District Attorney, Second Circuit Court District; Harrison County Board of Supervisors; Harrison County Prosecuting Attorney; Harrison County Sheriff; Mayor of the City of

Gulfport; Gulfport City Attorney; and City of Gulfport Chief of Police all support the requested adjustments to concurrent legislative jurisdiction.

To assist you in considering this request, enclosed are the following documents:

(1) a copy of the United States Code, Title 10, Section 2683, which authorizes the Secretary of the Navy to retrocede some or all jurisdiction over Federal lands for which he is responsible;

(2) a copy of the United States Code, Title 40, Section 3112, which authorizes the Secretary of the Navy to accept legislative jurisdiction over Federal lands for which he is responsible;

(3) a copy of my delegation of authority from the Secretary of the Navy to accept and relinquish jurisdiction;

(4) a map depicting the areas proposed for jurisdictional adjustment;

(5) legal description of the property proposed for adjustment.

If you grant our request, please send me a letter acknowledging your acceptance of legislative jurisdiction over 954.11 acres which the United States presently holds exclusive jurisdiction and your retrocession to concurrent legislative jurisdiction over 143.98 acres which the United State presently holds proprietary jurisdiction.

If we may be of any assistance to you in considering this request, your staff may contact Mr. Robert Uhrich at (703) 614-5848. Thank you for your assistance in this important matter.

Sincerely,

HT Johnson

H. T. Johnson

Enclosures

10 USCS § 2683

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*** CURRENT THROUGH P.L. 108-30, APPROVED 5/29/03 ***

TITLE 10. ARMED FORCES
SUBTITLE A. GENERAL MILITARY LAW
PART IV. SERVICE, SUPPLY, AND PROCUREMENT
CHAPTER 159. REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NON-EXCESS
PROPERTY

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

10 USCS § 2683 (2003)

§ 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations

(a) Notwithstanding any other provision of law, the Secretary concerned may, whenever he considers it desirable, relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State, Commonwealth, territory, or possession. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide.

(b) The authority granted by subsection (a) is in addition to and not instead of that granted by any other provision of law.

(c) (1) Except as provided in paragraphs (2) and (3), the Secretary concerned shall establish and enforce as the minimum drinking age on a military installation located in a State the age established by the law of that State as the State minimum drinking age.

(2) (A) In the case of a military installation located--

(i) in more than one State; or

(ii) in one State but within 50 miles of another State or Mexico or Canada,

the Secretary concerned may establish and enforce as the minimum drinking age on that military installation the lowest applicable age.

(B) In subparagraph (A), the term "lowest applicable age" means the lowest minimum drinking age established by the law--

(i) of a State in which a military installation is located; or

(ii) of a State or jurisdiction of Mexico or Canada that is within 50 miles of such military installation.

(3) (A) The commanding officer of a military installation may waive the requirement of paragraph (1) if such commanding officer determines that the exemption is justified by special circumstances.

(B) The Secretary of Defense shall define by regulations what constitute special circumstances for the purposes of this paragraph.

(4) In this subsection:

(A) The term "State" includes the District of Columbia.

(B) The term "minimum drinking age" means the minimum age or ages established for persons who may purchase, possess, or consume alcoholic beverages.

HISTORY:

(Added Oct. 26, 1970, P.L. 91-511, Title VI, § 613(1), 84 Stat. 1226; Oct. 25, 1972, P.L. 92-545,

https://www.lexis.com/research/retrieve?_m=a139c7afc8093bf663511e4c0c8dc7b1&_browseType=T... 7/9/03

Title VII, § 707, 86 Stat. 1154; May 14, 1974, P.L. 93-283, § 3, 88 Stat. 141; Nov. 8, 1985, P.L. 99-145, Title XII, Part B, § 1224(a), (b)(1), (c)(1), 99 Stat. 729; Nov. 14, 1986, P.L. 99-661, Div A, Title XIII, Part E, § 1343(a)(18), 100 Stat. 3993; Oct. 24, 1988, P.L. 100-526, Title I, § 106(b)(2), 102 Stat. 2625.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Amendments:

1972. Act Oct. 25, 1972, substituted subsec. (a) for one which read "Notwithstanding any other provision of law, the Secretary of a military department may, whenever he considers it desirable, relinquish to a State all or part of the legislative jurisdiction of the United States over lands or interests under his control in that State. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor of the State concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State may otherwise provide."

1974. Act May 14, 1974, in subsec. (a), substituted "Secretary concerned" for "Secretary of a military department".

1985. Act Nov. 8, 1985 (effective 90 days after enactment on 11/8/85, as provided by § 1224(d) of such Act, which appears as a note to this section) substituted the section catchline for one which read: "Relinquishment of legislative jurisdiction"; in subsec. (b), substituted "subsection (a)" for "section"; and added subsec. (c).

1986. Act Nov. 14, 1986, in subsec. (b), deleted "this" before "subsection (a)".

1988. Act Oct. 24, 1988, in subsec. (c), in para. (2)(B), introductory matter, inserted "the term" in para. (4), in subpara. (A), inserted "The term", and in subpara. (B), substituted "(B) The term 'minimum' for '(B) 'Minimum'".

Other provisions:

Effective date of amendments made by Act Nov. 8, 1985. Act Nov. 8, 1985, P.L. 99-145, Title XII, Part B, § 1224(d), 99 Stat. 729, provided: "The amendments made by this section [amending this section, 10 USCS prec. § 26 and 50 USCS Appx § 473] shall take effect 90 days after the date of the enactment of this Act [enacted Nov. 8, 1985]."

NOTES:

CROSS REFERENCES

This section is referred to in 50 App. USCS § 473.

INTERPRETIVE NOTES AND DECISIONS

Actions of airline and maintenance companies on Fort Campbell, Kentucky, were "in" Kentucky for purpose of determining propriety of long-arm jurisdiction in air disaster litigation, because after United States receded to state power to serve process on Fort Campbell, actions on Fort have had same effect as actions elsewhere in Kentucky. In re Air Crash Disaster at Gander (1987, WD Ky) 660 F Supp 1202.

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TOC: United States Code Service: Code, Const. Rules, Conventions & Public Laws > TITLE 10. ARMED FORCES > SUBTITLE A. GENERAL MILITARY LAW > PART IV. SERVICE, SUPPLY, AND PROCUREMENT > CHAPTER 159. REAL PROPERTY; RELATED PERSONAL PROPERTY; AND LEASE OF NON-EXCESS PROPERTY > § 2683. Relinquishment of legislative jurisdiction; minimum drinking age on military installations

Citation: **10 USC 2683**

View: Full

Date/Time: Wednesday, July 9, 2003 - 10:21 AM EDT

40 USCS § 3112

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*** CURRENT THROUGH P.L. 108-30, APPROVED 5/29/03 ***

TITLE 40. PUBLIC BUILDINGS, PROPERTY, AND WORKS
SUBTITLE II. PUBLIC BUILDINGS AND WORKS
PART A. GENERAL
CHAPTER 31. GENERAL
SUBCHAPTER II. ACQUIRING LAND

GO TO CODE ARCHIVE DIRECTORY FOR THIS JURISDICTION

40 USCS § 3112 (2003)

§ 3112. Federal jurisdiction

(a) Exclusive jurisdiction not required. It is not required that the Federal Government obtain exclusive jurisdiction in the United States over land or an interest in land it acquires.

(b) Acquisition and acceptance of jurisdiction. When the head of a department, agency, or independent establishment of the Government, or other authorized officer of the department, agency, or independent establishment, considers it desirable, that individual may accept or secure, from the State in which land or an interest in land that is under the immediate jurisdiction, custody, or control of the individual is situated, consent to, or cession of, any jurisdiction over the land or interest not previously obtained. The individual shall indicate acceptance of jurisdiction on behalf of the Government by filing a notice of acceptance with the Governor of the State or in another manner prescribed by the laws of the State where the land is situated.

(c) Presumption. It is conclusively presumed that jurisdiction has not been accepted until the Government accepts jurisdiction over land as provided in this section.

HISTORY:

(Aug. 21, 2002, P.L. 107-217, § 1, 116 Stat. 1144.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES

Prior law and revision:

Revised Section Source (U.S. Code) Source (Statutes at Large)

3112(a) 40:255 (last par. R.S. 355 (last par.); June
 1st sentence 28, 1930, ch. 710, 46 Stat.
 words before 828; Feb. 1, 1940, ch. 18,
 semicolon). 54 Stat. 19; Oct. 9, 1940,
 ch. 793, 54 Stat. 1083.

3112(b) 40:255 (last par.
 1st sentence words
 after semicolon).

3112(c) 40:255 (last par.
 last sentence).

Subsection (a) is substituted for 40:255 (last par. 1st sentence words before semicolon) to eliminate unnecessary words.

In subsection (b), the words "exclusive or partial" are omitted as unnecessary.

NOTES:

RESEARCH GUIDE

Federal Procedure:

7 Fed Proc L Ed, Condemnation of Property §§ 14:234, 235, 277, 292, 293, 323.

29 Fed Proc L Ed, Public Lands and Property §§ 66:501, 502.

INTERPRETIVE NOTES AND DECISIONS

1. Generally
2. Consent of state to acquisition by federal government
3. Acceptance of jurisdiction, generally
4. --Procedure
5. --Evidence
6. Scope of jurisdiction
7. Reservation of jurisdiction by state
8. Reacquisition of jurisdiction by state

1. Generally

If United States acquires with "consent" of state legislature land within borders of that state by purchase or condemnation for any of purposes mentioned in Article 1, § 8, Clause 17 of United States Constitution, or if land is acquired without such consent and later state gives its "consent," jurisdiction of Federal Government becomes "exclusive." *Paul v United States* (1963) 371 US 245, 9 L Ed 2d 292, 83 S Ct 426 (ovrld on other grounds as stated in *Minnesota* by *Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033).

Principal factors determining whether Foreign-Trade Zone at New Orleans was under exclusive jurisdiction of United States were (a) ownership vel non of area comprising Foreign Trade Zone at New Orleans or lease thereof; (b) cession of jurisdiction over area comprising Zone to United States by State of Louisiana; and (c) acceptance vel non by United States of such jurisdiction (if any such jurisdiction were ceded) as envisioned by United States Constitution, Article 1, § 8, Clause 17, and former **40 USCS § 255**. *Fountain v New Orleans Public Service, Inc.* (1967, ED La) 265 F Supp 630.

City school board would not be enjoined from granting free admission to public schools of all children residing in federal housing projects, located on lands owned by United States and operated in conjunction with state, cooperating under its housing laws, since admission to free public schools of state is in no way dependent upon payment of taxes. *McGwinn v Board of Education* (1946, Cuyahoga Co) 78 Ohio App 405, 33 Ohio Ops 428, 46 Ohio L Abs 328, 69 NE2d 381.

2. Consent of state to acquisition by federal government

Acquisition by United States of title to lands within boundaries of state is not sufficient to exclude state from exercising any legislative authority, including its taxing and police power, in relation to property and activities of individuals and corporations within territory, but it must appear that state, by consent or cession, has transferred to United States that residuum of jurisdiction which otherwise it would be free to exercise. *Silas Mason Co. v Tax Com. of Washington* (1937) 302 US 186, 82 L Ed 187, 58 S Ct 233.

Federal government has power to acquire land within state by purchase or by condemnation without consent of state. *Paul v United States* (1963) 371 US 245, 9 L Ed 2d 292, 83 S Ct 426 (ovrld on other grounds as stated in *Minnesota* by *Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033).

United States may lawfully make title to land in one of states by expropriation of eminent domain of such state, and with assent thereof. (1855) 7 Op Atty Gen 114.

3. Acceptance of jurisdiction, generally

Jurisdiction obtained by United States from state by consent or cession may be qualified by agreement or through offer and acceptance or ratification. *Collins v Yosemite Park & Curry Co.* (1938) 304 US 518, 82 L Ed 1502, 58 S Ct 1009.

In view of former **40 USCS § 255**, no jurisdiction existed in United States to enforce federal criminal laws, unless and until consent to accept jurisdiction over lands acquired by United States had been filed in behalf of United States as provided in said section, and fact that state had authorized government to take jurisdiction was immaterial. *Adams v United States* (1943) 319 US 312, 87 L Ed 1421, 63 S Ct 1122.

Since 1940, Congress has required United States to assent to transfer of jurisdiction over property, however it may be acquired. *Paul v United States* (1963) 371 US 245, 9 L Ed 2d 292, 83 S Ct 426 (ovrld on other grounds as stated in *Minnesota* by *Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033).

Under former **40 USCS § 255**, which provided that unless and until United States accepted jurisdiction over lands acquired in accordance therewith, "it shall be conclusively presumed that no such jurisdiction has been accepted," United States' assent was necessary to its exercise of exclusive jurisdiction over lands acquired by it. *United States v State Tax Com.* (1973) 412 US 363, 37 L Ed 2d 1, 93 S Ct 2183.

Missouri had criminal jurisdiction over Mark Twain National Forest; there was no evidence that United States had accepted jurisdiction over lands in way statute requires. *Hankins v Delo* (1992, CA8 Mo) 977 F2d 396.

Mere fact that United States needs title to property within boundaries of state, which may be acquired irrespective of consent of state, does not necessitate assumption by United States of burdens incident to exclusive jurisdiction. *United States v Thompson* (1941, DC Wash) 41 F Supp 13.

4. --Procedure

Fact that state had enacted statute ceding jurisdiction to United States did not constitute acceptance of jurisdiction by United States as envisioned by former **40 USCS § 255**; language "or in such other manner as may be prescribed by the laws of the State" did not relate to decision of United States whether it should or should not acquire jurisdiction, but to mode by which acceptance was indicated once appropriate officer had deemed it desirable to acquire jurisdiction. *De Kalb County v Henry C. Beck Co.* (1967, CA5 Ga) 382 F2d 992.

Former 40 USCS § 255 authorizing head of department to accept cession of jurisdiction, merely provided method for cession of jurisdiction, and did not limit character or ownership of lands acquired. *United States v Petersen* (1950, DC Cal) 91 F Supp 209, aff'd (1951, CA9 Cal) 191 F2d 154, cert den (1951) 342 US 885, 96 L Ed 664, 72 S Ct 174.

In Secretary of Army's letter of acceptance, omission of word "exclusive" does not signify intent to accept partial jurisdiction; federal jurisdiction was accepted without qualification. *United States v Warne* (1960, ND Cal) 190 F Supp 645, cert den (1963) 372 US 907, 9 L Ed 2d 716, 83 S Ct 716 and aff'd in part and vacated in part on other grounds (1963) 371 US 245, 9 L Ed 2d 292, 83 S Ct 426 (ovrld on other grounds as stated in *Minnesota* by *Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033).

Since legislature of state of Ohio has not provided any other manner for acceptance, notice of acceptance of jurisdiction by Federal Government must be filed with Governor of State of Ohio. *Cincinnati v Nussbaum* (1968) 14 Ohio Misc 19, 42 Ohio Ops 2d 359, 233 NE2d 152.

5. --Evidence

In absence of controversy over federal acceptance of jurisdiction, letter from Executive Assistance Administrator of Veterans Administration accepting exclusive jurisdiction over lands acquired as site for Veterans Administration hospital, receipt of which was acknowledged by governor of Connecticut, was sufficient, as matter of law, to determine question of acceptance of federal jurisdiction. *United States v Jones* (1973, CA2 Conn) 480 F2d 1135.

6. Scope of jurisdiction

Where state transferred jurisdiction to federal government of territory designated by federal government as national park, federal government had jurisdiction over private property surrounded by park. *Petersen v United States* (1951, CA9 Cal) 191 F2d 154, cert den (1951) 342 US 885, 96 L Ed 664, 72 S Ct 174.

Federal government had jurisdiction over Brooklyn Navy Yard at time defendant's offenses took place there even though shipbuilding--New York's condition to cession of jurisdiction--had terminated, since neither New York nor U.S. intended that cession could only be used for shipbuilding and not for other ancillary naval functions; federal government must be given some leeway in making use of ceded property and cannot be held to rigid interpretation of antiquated deeds that failed fully to anticipate complex development of naval operations. *United States v Johnson* (1993, CA2 NY) 994 F2d 980, cert den (1993) 510 US 959, 126 L Ed 2d 364, 114 S Ct 418.

National Park Service was within its authority under former **40 USCS § 255** in accepting state's cession of concurrent legislative jurisdiction over Lake Mead National Recreational Area including private property within its boundaries. *United States v 319.88 Acres of Land* (1980, DC Nev) 498 F Supp 763.

Where Federal Government is granted exclusive jurisdiction to property acquired for military purposes provided that Federal Government does not alienate land so acquired, and Federal Government leases land to commercial concern, land is not subject to exclusive federal jurisdiction. *De Cosme v Sea Containers, Ltd.* (1984, DC Puerto Rico) 600 F Supp 42, 1985 AMC 2405.

7. Reservation of jurisdiction by state

Reservation by state of right to tax railroad running through military reservation ceded by state to United States, and exercise thereof, do not interfere with exclusive jurisdiction of United States in its authority over the lands ceded. *Ft. Leavenworth R. Co. v Lowe* (1885) 114 US 525, 29 L Ed 264, 5 S Ct 995 (ovrld on other grounds as stated in *Minnesota by Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033).

Jurisdiction over land within boundaries of state acquired by United States by exercise of power of eminent domain or by purchase without consent of state is dependent upon cession by state, which state may qualify by reservations not inconsistent with governmental uses. *James v Dravo Contracting Co.* (1937) 302 US 134, 82 L Ed 155, 58 S Ct 208, 114 ALR 318 (superseded by statute on other grounds as stated in *United States v State Tax Com.* (1974, SD Miss) 378 F Supp 558).

Whether land is acquired by United States by purchase on one hand or by cession on other, state may condition its consent to acquisition upon its retention of jurisdiction over land consistent with federal use. *Paul v United States* (1963) 371 US 245, 9 L Ed 2d 292, 83 S Ct 426 (ovrld on other grounds as stated in *Minnesota by Alexander v Block* (1981, CA8 Minn) 660 F2d 1240, 16 Env't Rep Cas 2199, 11 ELR 21033).

Legislative act of state, consenting to purchase of land within same by United States, for specific purpose, expressly ceding jurisdiction, is not rendered insufficient by providing, in addition, that federal jurisdiction shall cease with the proposed use; and that, meantime, lawful process of courts of state may continue to be served within limits of land, jurisdiction of which has been ceded to United States. (1857) 8 Op Atty Gen 387.

Although state has right to limit extent of tract over which it will cede jurisdiction, United States may purchase more; but in regard to excess, jurisdiction remains with state. (1857) 8 Op Atty Gen 388.

Settled construction of Department of Justice is that "consent" of legislature of state to purchase of lands therein by United States, must be free from any conditions or reservations inconsistent with exercise by Congress of "exclusive legislation" thereover; but reservation by state of right to serve and execute its civil and criminal process in place ceded has always been held permissible. (1903) 24 Op Atty Gen 617.

Retention of concurrent jurisdiction by state for service of process did not affect character of cession as one granting exclusive jurisdiction over ceded lands to United States. *Lord v Local Union No. 2088, IBEW* (1979, MD Fla) 481 F Supp 419, 103 BNA LRRM 2695, 87 CCH LC P 11741, aff'd in part and rev'd in part on other grounds (1981, CA5 Fla) 646 F2d 1057, 107 BNA LRRM 2662, 91 CCH LC P 12794, reh den (1981, CA5 Fla) 654 F2d 723 and cert den (1982) 458 US 1106, 73 L Ed 2d 1366, 102 S Ct 3483, 110 BNA LRRM 2744, 94 CCH LC P 13661.

Presumption is that Commonwealth of Virginia retains concurrent jurisdiction over crimes committed on land ceded to United States where statute so reserves jurisdiction. *Smith v Commonwealth* (1978) 219 Va 455, 248 SE2d 135, cert den (1979) 441 US 967, 60 L Ed 2d 1074, 99 S Ct 2419 and (criticized in *Burchett v Commonwealth* (1998) 26 Va App 696, 496 SE2d 154) and (criticized in *United States v Church* (2001, WD Va) 151 F Supp 2d 715).

Where Federal Government acquired naval hospital, but has never accepted exclusive jurisdiction,

state retains jurisdiction to try defendant convicted of committing lewd act upon minor at hospital. State v Rodriguez (1983) 279 SC 106, 302 SE2d 666.

Virginia has retained jurisdiction over territorial area occupied by Camp Peary and Virginia court may punish violation in such area of game laws of Virginia. Waltrip v Commonwealth (1949) 189 Va 365, 53 SE2d 14.

8. Reacquisition of jurisdiction by state

Although state cannot, by amending statute, recapture jurisdiction of land once granted to United States, if state cedes conditional jurisdiction for purpose solely of establishing or maintaining hospitals and sanitoriums, upon termination of condition, jurisdiction would revert to state. United States v Heard (1967, WD Mo) 270 F Supp 198.

Source: [Legal > Federal Legal - U.S. > United States Code Service \(USCS\) Materials > United States Code Service - Titles 1 through 50](#) ①

TOC: [United States Code Service - Titles 1 through 50 > TITLE 40. PUBLIC BUILDINGS, PROPERTY, AND WORKS > SUBTITLE II. PUBLIC BUILDINGS AND WORKS > PART A. GENERAL > CHAPTER 31. GENERAL > SUBCHAPTER II. ACQUIRING LAND > § 3112. Federal Jurisdiction](#)

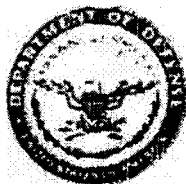
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Date/Time: Wednesday, July 9, 2003 - 9:23 AM EDT

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DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
WASHINGTON, D C 20350-1000

14 June 1990

MEMORANDUM FOR THE ASSISTANT SECRETARY OF THE NAVY
(INSTALLATIONS AND ENVIRONMENT)

Subj: AUTHORITY TO ACCEPT AND TO RELINQUISH LEGISLATIVE
JURISDICTION ON BEHALF OF THE UNITED STATES

Under the authority of 10 U.S.C. § 5013, you are hereby assigned the power to accept legislative jurisdiction on behalf of the United States under 40 U.S.C. § 255 and to relinquish such jurisdiction under 10 U.S.C. § 2683. This power may be delegated.

A handwritten signature in black ink, appearing to read "H. Lawrence Garrett, III".

H. Lawrence Garrett, III
Secretary of the Navy

REPRODUCED AT GOVERNMENT EXPENSE

cbc gulfport ms title and jurisdiction

CONSTRUCTION BATTALION CENTER GULFPORT, MS
Harrison County, Mississippi

Perimeter Legal Description

All that certain tract of land, being a portion of Sections 5 and 6, Township 8 South, Range 11 West, and Section 1, Township 8 South, Range 12 West, Harrison County, Mississippi, being more particularly described as follows:

COMMENCE at a nail set in the concrete of 28th Street for the NW corner of Section 6, T-8-S, R-11-W; Thence S 00°02'28" E along the west line of said Section 6 for a distance of 17.40' to the POINT OF BEGINNING; Thence N 89°47'23" E along the south line of 28th Street for a distance of 7,720.78' to a concrete monument; Thence S 00°00'22" E for a distance of 685.01'; Thence S 89°54'27" W for a distance of 2,117.07' to concrete monument; Thence N 00°07'35" E for a distance of 652.37' to a point on the south line of 28th Street; Thence S 89°38'49" along the south line of 29th Street for a distance of 612.24' to a spike set in the asphalt; thence S 00°29'41" W for a distance of 898.85' to an iron rod; thence S 89°57'44" E for a distance of 149.64' to a concrete monument; Thence S 00°00'15" W for a distance of 1,730.49' to concrete monument; Thence S 89°44'12" w for a distance of 5,225.58' to concrete monument; Thence S 61°41'29" W for a distance of 194.05' to an old chain link fence corner post; Thence s 28°31'25" E for a distance of 79.61' to an old chain link fence corner post; Thence S 61°25'33" W for a distance of 192.00' to a concrete monument; Thence N 28°31'25" W for a distance of 120.6' to spike set in the asphalt; Thence S 61°22'57" W for a distance of 1,677.79' to a concrete monument; thence S 00°06'00" W for a distance of 46.30' to an iron pipe; Thence S 61°18'31" W for a distance of 383.56' to a concrete monument; Thence S 89°53'15" W for a distance of 1,958.02' to a concrete monument; Thence N 00°02'28" W for a distance of 17.00'; Thence s 89°53'15" W for a distance of 1,226.37'; Thence N 89°45'59" W for a distance of 194.48'; Thence N 28°30'04" W for a distance of 3,006.01'; Thence S 89°49'15" W for a distance of 1,023.62'; Thence N 00°08'18" W for a distance of 2,629.17' to a point on the south line of 28th Street; Thence N 89°42'22" E along the south line of 28th Street for a distance of 2,655.07' to the POINT OF BEGINNING, containing 1,098.09 acres, more or less.

Title and Existing Jurisdiction

NAVY TRACT I - Title to 728.62 acres of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 911.50 acres of land in Harrison County, Mississippi, and E. B. Dantzler, et al. Civil Action No. 216" filed on April 29, 1942 in the United States District Court in and for the Southern Division of the Southern District of Mississippi.

The United States of America has **Exclusive Jurisdiction** over the 728.92 acres of Navy Tract I.

NAVY TRACT II - Title to 2.40 acres of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 2.4 acres of land in Harrison County, Mississippi - Mrs. Anna J. Ott, et al. Civil Action No. 224" filed on November 6, 1942 in the United States District Court in and for the Southern Division of the Southern District of Mississippi.

The United States of America has **Exclusive Jurisdiction** over the 2.40 acres of Navy Tract II.

NAVY TRACT III - Title to 215.33 acres of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 223 acres of land in Harrison County, Mississippi, Mrs. Gladys Finston, et al. Civil Action No. 285" filed on May 5, 1943 in the United States District Court in and for the Southern Division of the Southern District of Mississippi.

The United States of America has **Exclusive Jurisdiction** over the 215.33 acres of Navy Tract III.

NAVY TRACT V - Title to 127.85 acres of the above described land was conveyed to the United States of America by The Board of Trustees, Institutions of Higher Learning of the State of Mississippi by Quitclaim Deed dated December 5, 1966 and recorded in Record of Deeds No. 580, Page 307, Harrison County, Mississippi.

The United States of America has **Exclusive Jurisdiction** over the 127.85 acres of Navy Tract V.

NAVY TRACT VI - Title to 14.56 acres of the above described land was conveyed to the United States of America by the Harrison County Board of Education, Harrison County, Mississippi by Quitclaim Deed dated January 31, 1968 and recorded in Record of Deeds No. 604, Page 33, Harrison County, Mississippi.

The United States of America has **Proprietary Jurisdiction** over the 14.56 acres of Navy Tract V.

NAVY TRACT VII - Title to 7.76 acres of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 911.50 acres of land in Harrison County, Mississippi, and E. B. Dantzler, et al. Civil Action No. 216" filed on April 29, 1942 in the United States District Court in and for the Southern Division of the Southern District of Mississippi.

The United States of America has **Exclusive Jurisdiction** over the 7.76 acres of Navy Tract VII.

NAVY TRACT IX - Title to 1.21 acres of the above described land was conveyed to the United States of America by the City of Gulfport, Mississippi by Quitclaim Deed dated December 3, 1975 and recorded in Record of Deeds Book 763, Page 620, Harrison County, Mississippi.

The United States of America has **Proprietary Jurisdiction** over the 1.21 acres of Navy Tract IX.

NAVY TRACT X - Title to 0.29 acres of the above described land was conveyed to the United States of America by Betty and J. J. Hill of Gulfport, Mississippi, by General Warranty Deed dated July 10, 1985 and recorded in Record of Deeds Book 1015, Page 213, Harrison County, Mississippi. Navy Tract X

The United States of America has **Proprietary Jurisdiction** over the 0.29 acres of Navy Tract X.

NAVY TRACT XI - Title to 0.07 acres of the above described land was conveyed to the United States of America by Shirley Ann Owen of Gulfport, Mississippi by General Warranty Deed dated January 23, 1986 and recorded in Record of Deeds Book 1032, Page 125, Harrison County, Mississippi.

The United States of America has **Proprietary Jurisdiction** over the 0.07 acres of Navy Tract XI.

**CONSTRUCTION BATTALION CENTER
GULFPORT, MISSISSIPPI**

SUMMARY OF ACREAGE FOR EXISTING JURISDICTION

TRACT NUMBER	EXCLUSIVE FEDERAL JURISDICTION	PROPRIETORIAL JURISDICTION
I	728.62	
II	2.40	
III	215.33	
V		127.85
VI		14.56
VII	7.76	
IX		1.21
X		0.29
XI		0.07
	<hr/>	<hr/>
	954.11 Acres	+ 143.98 Acres
		Total = 1098.09 Acres

AFFIDAVIT OF WILLIAM J. HOLLING

I William J. Holling, do hereby attest a follows:

1. My name is William J. Holling, I am a Realty Specialist in the Real Estate Division of the Southern Division, Naval Facilities Engineering Command, 2155 Eagle Drive, P. O. Box 190010, North Charleston, South Carolina 29419-9010.

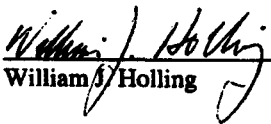
2. I have been employed by the Southern Division, Naval Facilities Engineering Command from 1977 until the present time. My specific position in the Real Estate Division is in Cadastral Services and Jurisdiction. I am responsible for maintaining a copy of all deeds, civil actions, title instruments, and jurisdiction documents relating to the United States of America (Navy's) ownership and jurisdiction over lands at the Construction Battalion Center in Gulfport, Mississippi.

3. The United States of America's fee owned property under control of the Navy at the Construction Battalion Center consists of 1098.09 acres, more or less, of which the United States of America has Exclusive Federal Jurisdiction over 954.11 acres, more or less, and Proprietary Jurisdiction over the balance of 143.98 acres, more or less.

4. I have personally supervised the preparation of and reviewed the enclosed metes and bounds legal descriptions totaling 1098.09 acres, more or less, of the fee owned lands at the Construction Battalion Center in Gulfport, Mississippi, and compared them with the deeds and jurisdiction documents I maintain for the same property. Based on this comparison, I certify and attest that the United States of America (Navy) is the fee owner of the 1098.09 acres, more or less, described in the enclosed legal descriptions.

I do hereby certify and attest under penalty of perjury that the foregoing is true and correct.

Further the affiant sayeth not.

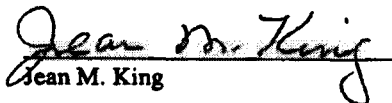

William J. Holling

STATE OF SOUTH CAROLINA)
CITY OF NORTH CHARLESTON)

to-wit:

Subscribed and sworn to before me by William J. Holling, who personally appeared before me on this 21st day of March 2003.

My commission expires: February 17, 2005


Jean M. King


11011
Code 061/WJH
5 November 1999

FIRST ENDORSEMENT on NCBC GULFPORT MS ltr 5800 Ser 16/0107 of 20 Sep 99

From: Commanding Officer, Southern Division, Naval Facilities Engineering Command
To: Commander, Naval Facilities Engineering Command
Via: (1) Commander, Navy Region Southeast
(2) Commander, Naval Shore Activities, U.S. Atlantic Fleet (Code N443)
(3) Commander in Chief, U.S. Atlantic Fleet (Code N02L)
(4) Chief of Naval Operations

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL JURISDICTION

1. Forwarded recommending approval of change to concurrent legislative jurisdiction.


E. R. Nelson, Jr.
By direction

Copy to:
CO NCBC GULFPORT MS
(ATTN: LT CARSTEN - SJA)

Real Estate
06
1 END GULFPORT, 11/5/99

061
061/WJH



DEPARTMENT OF THE NAVY

NAVAL CONSTRUCTION BATTALION CENTER

5200 CBC 2ND STREET

GULFPORT, MISSISSIPPI 39501-5001

IN REPLY REFER TO

5800

Ser 16/0107

20 Sep 99

From: Commanding Officer, Naval Construction Battalion Center, Gulfport, MS
To: Commander, Naval Facilities Engineering Command
Via: (1) Commanding Officer, Southern Division, Naval Facilities Engineering Command
(2) Commander, Navy Region Southeast
(3) Commander, Naval Shore Activities, U.S. Atlantic Fleet (Code N443)
(4) Commander in Chief, U.S. Atlantic Fleet (Code N02L)
(5) Chief of Naval Operations

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL JURISDICTION

Ref: (a) NAVFAC P-73, Real Estate Procedural Manual

Encl: (1) Existing Legislative Jurisdiction Real Estate Map
(2) United States Attorney, Southern District of Mississippi ltr of 27 Aug 99
(3) Attorney General, State of Mississippi ltr of 7 May 99
(4) State of Mississippi District Attorney ltr of 24 Jun 99
(5) Harrison County Sheriff ltr of 22 Jun 99
(6) City of Gulfport, Chief of Police ltr of 12 Jul 99
(7) Crime statistics for NCBC, Gulfport
(8) Legal Descriptions, Title Information, Summary of Acreage, and Affidavit of Ownership

1. Respectfully request that all tracts of exclusive federal jurisdiction be relinquished to concurrent jurisdiction with the State of Mississippi. In addition, respectfully request that the relatively small tracts of land that currently are under proprietary jurisdiction be changed to concurrent jurisdiction.

2. The Naval Construction Battalion Center, Gulfport, Mississippi, is comprised of approximately 1101 acres of real estate subject to various types of legislative jurisdiction. Enclosures (1) and (8) provide information on the estate comprising the Naval Construction Battalion Center, Gulfport. Of particular concern is the 144.12 acres of proprietary jurisdiction. This area consists of the front gate, one fence line, and what was the enlisted housing area. Due to increased demand for family housing, new units were built and are currently occupied in exclusive federal jurisdictional areas.

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL
JURISDICTION

3. At present there exists numerous disadvantages in maintaining exclusive federal jurisdiction over the vast majority of land of the Naval Construction Battalion Center. Offenses committed by individuals not subject to the Uniform Code of Military Justice must be prosecuted in federal court. With the exception to more serious offenses, constraints on resources make enforcement difficult. Approval of this request will promote consistency and predictability with respect to criminal law enforcement and would also assist law enforcement agencies to better allocate their resources. It would additionally benefit the command's policy-making and decision-making processes.

4. In accordance with reference (a), the following information is submitted in support of this request:

a. Present jurisdictional status: Enclosures (1) and (8) identify the areas under exclusive and proprietary information.

b. Reason for request: Exclusive jurisdiction is unnecessary over the base since there are no military functions performed that require exclusive jurisdiction. Therefore, continuance of the exclusive jurisdiction is contrary to Navy policy as outlined in reference (a). In addition, having concurrent jurisdiction throughout the base will provide the necessary enforcement of state and federal law.

c. Determine whether Mississippi's acceptance of retrocession of federal legislative jurisdiction or the relinquishment of proprietary jurisdiction may require an act of the state legislature: Based on Chapter 5 of Title 3 of the Mississippi Code and previous requests of Naval Station Pascagoula, no such act is anticipated.


d. The estate held by the United States in the areas, including how and when acquired must be specified: This information is delineated in enclosures (1) and (8). Metes and bounds descriptions are held by the Commanding Officer, Southern Division, Naval Facilities Engineering Command, Charleston, South Carolina.

e. Legal description of the areas over which jurisdiction is proposed are forwarded as enclosure (1) and (8).

Subj: REQUEST FOR RELINQUISHMENT OF EXCLUSIVE FEDERAL
JURISDICTION

5. Per reference (a) proposal reaction letters, enclosures (2) through (6), and the crime statistics, enclosure (7) are attached. Many attempts were made to ascertain the reaction to this request from the City of Gulfport Attorney's office. Orally the City Attorney indicated that he was not opposed to the request and that he would forward a letter so indicating. Once that letter is received it will be sent forward to supplement this request.

6. Point of contact at the Naval Construction Battalion Center for any questions regarding this matter is LT James E. Carsten, Staff Judge Advocate, DSN: 868-2626/commercial (228) 871-2626 or Mrs. Sally Wilson, Facilities Planner, DSN: 868-2484/commercial (228) 871-2484.


L. V. MARCHETTE
Captain, CEC, U.S. Navy
Commanding Officer

Copy to w/o encls:
COMSECONDNCB
CNET
CO, NMCB-1
CO, NMCB-7
CO, NMCB-74
CO, NMCB-133
CO, NCTC
OIC, PSD Gulfport
OIC, BMC Gulfport
OIC, Branch Dental Clinic Gulfport
NCIS



United States Attorney
Southern District of Mississippi
U.S. Department of Justice

August 27, 1999

188 East Capitol Street
Suite 500
Jackson, Mississippi 39201

601-965-4480

Lt. James E. Carsten
United States Navy
Judge Advocate General's Corps
Staff Judge Advocate
Naval Construction Battalion Center
5200 CBC 2nd Street
Gulfport, Mississippi 39501-5001

Dear Lt. Carsten:

I am writing in response to your 7 June 1999 letter soliciting our support to change a portion of the Naval Construction Battalion Center property from exclusive jurisdiction to concurrent jurisdiction.

The United States Attorney's Office for the Southern District of Mississippi supports the change in jurisdiction of approximately 957.45 acres of the Naval Construction Battalion Center from exclusive jurisdiction to concurrent jurisdiction.

If we can be of further assistance, please let us know.

Sincerely,

BRAD PIGOTT
United States Attorney

ENCLOSURE (2)



Bob Short
Mayor & Police Commissioner

GULFPORT POLICE DEPARTMENT

MAYOR COUNCIL FORM OF GOVERNMENT
2220 15TH STREET
P.O. DRAWER "S"
GULFPORT, MS 39502
228-868-5959



George H. Payne, Jr.
Chief of Police

July 12, 1999

Judge Advocate General's Corps
Attn: Staff Judge Advocate
5200 CBC 2nd Street
Gulfport, MS 39501-5001

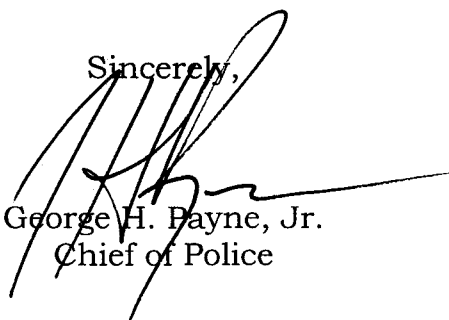
RE: 5800 Ser 16/0068

Dear Sir:

Thank you for notifying this department of the Naval Construction Battalion Center's intent to request a jurisdictional change on its property. I support the proposed change which will shift all base property to concurrent jurisdiction requiring approximately 957.45 acres of exclusive federal jurisdictional property to be retrocede to concurrent jurisdiction, while the proprietary areas will be upgraded.

Please advise as to the results of this request and if approved the date of the change.

Sincerely,


George H. Payne, Jr.
Chief of Police

Cc: file

OFFICE OF THE DISTRICT ATTORNEY
SECOND CIRCUIT COURT DISTRICT
HARRISON, HANCOCK and STONE COUNTIES
HARRISON COUNTY COURTHOUSE



CONO CARANNA
DISTRICT ATTORNEY

P.O. BOX 1444
BILOXI, MS 39533

PHONE 228-435-8246
FAX 228-435-8287

P.O. BOX 1180
GULFPORT, MS 39502

PHONE 228-865-4003
FAX 228-865-4239

PLEASE REPLY TO:
GULFPORT

June 24, 1999

Lt. James E. Carsten
Staff Judge Advocate
5200 CBC 2nd Street
Gulfport, MS 39501

RE: 5800 Ser 16/0066, 7 June 99

Dear Lt. Carsten:

I have reviewed your letter of June 7, 1999 with regard to the Navy's request for a jurisdictional change at the Naval Construction Battalion Center Gulfport. I have also reviewed the map of the involved property which you were kind enough to furnish me. This office supports the shift of all base property to concurrent jurisdiction.

We look forward to continuing the effective relationship which exists among the civilian and military law enforcement agencies, the NCBC and this office. Please contact me if I may be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Cono Caranna".
CONO CARANNA
DISTRICT ATTORNEY

CC:dl

ENCLOSURE (4)

HARRISON COUNTY SHERIFF'S DEPARTMENT



JOE PRICE, Sheriff

228-865-7060

228-865-7095

June 22, 1999



Department of the Navy
Naval Construction Battalion Center
Attention: Staff Judge Advocate
5200 CBC 2nd Street
5201 Gulfport, Mississippi 39501-5001



Dear Sir:

I am writing in support of your request for a jurisdictional change to property on the Naval Construction Battalion Center in Gulfport, and the Harrison County Sheriff's Department has no problem with the proposed addition.

I understand that the jurisdictional change will require approximately 957.45 acres of federal jurisdictional property to be retroceded to concurrent jurisdiction, while the proprietary areas will be upgraded. This change is largely due to new family housing units that have been built and are being occupied in exclusive federal jurisdictional areas.

If I can be of any further assistance to you in this matter, please do not hesitate to call me.

With best regards, I am

Sincerely,

**JOE PRICE
SHERIFF**

HARRISON COUNTY, MISSISSIPPI

JP/ml

cc: Administrative Master File

P.O. BOX 1480
GULFPORT, MISSISSIPPI 39502

ENCLOSURE (5)

STATE OF MISSISSIPPI



OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERAL

OPINION
DIVISION

May 7, 1999

Lt. James E. Carsten
Judge Advocate General's Corps
United States Navy
Naval Construction Battalion Center
5200 CBC 2nd Street
Gulfport, Mississippi 39501-5001

Your Reference Number: 5800
Ser 16/0050
23 Apr 99

Dear Lieutenant Carsten:

Attorney General Mike Moore has received your letter and has assigned it to me for research and reply.

Your letter seeks guidance as to the transfer from the exclusive jurisdiction of the United States to concurrent jurisdiction with the State of Mississippi of a substantial portion of the Naval Construction Battalion Center in Gulfport, Mississippi. Pursuant to Section 7-5-25 of the *Mississippi Code of 1972*, the Attorney General is authorized to issue official opinions only to designated public officials and agencies on questions of law relating to their respective offices. Therefore, we are unable to reply to your request for legal guidance with an official opinion.

However, we may and hereby do respond informally to said request. Section 7-1-13 of the *Mississippi Code of 1972* provides:

Lt. James E. Carsten

May 7, 1999

Page 2

The governor shall transact all the business of the state, civil and military, with the United States government or with any other state or territory, except in cases otherwise specially provided by law.


Therefore, it appears that the matter of negotiating with the State of Mississippi for the transfer from exclusive jurisdiction status to concurrent jurisdiction status is in fact a matter which should be addressed by the governor of the State of Mississippi.

Your letter further seeks the reaction of this office to the proposed change. We may and hereby do respond formally by stating that the Attorney General of the State of Mississippi has no objection to the transfer from the exclusive jurisdiction of the United States to concurrent jurisdiction with the State of Mississippi of a substantial portion of the Naval Construction Battalion Center in Gulfport, Mississippi.

Very truly yours,

MIKE MOORE, ATTORNEY GENERAL

By



Edwin T. Cofer
Special Assistant Attorney General

1996

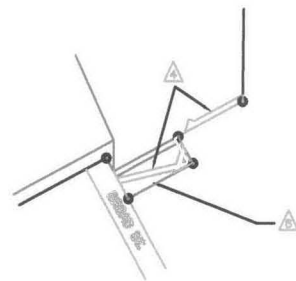
	<u>ACTIVE / %</u>	<u>CIVILIAN / %</u>	<u>JUVENILE / %</u>	<u>UNKNOWN / %</u>	<u>TOTAL</u>
ASSAULT	15 / 62.5%	2 / 8.3%	5 / 20.8%	2 / 8.3%	24
BURGLARY	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
DISORDERLY CONDUCT	25 / 64.1%	8 / 20.52%	4 / 10.27%	2 / 5.23%	39
DOMESTIC DISPUTE	2 / 100%	0 / 0%	0 / 0%	0 / 0%	2
DRUG ABUSE	4 / 66.66%	1 / 16.66%	1 / 16.66%	0 / 0%	6
HOMICIDE	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
PROPERTY DAMAGE	5 / 7.02%	2 / 2.81%	1 / 1.40%	63 / 88.73%	71
THEFT	14 / 13.86%	7 / 6.93%	3 / 2.97%	77 / 76.23%	101
TRESPASSING	1 / 25%	3 / 75%	0 / 0%	0 / 0%	4
TRAFFIC ACCIDENTS	26 / 63.41%	13 / 31.80%	0 / 0%	2 / 4.87%	41

1997

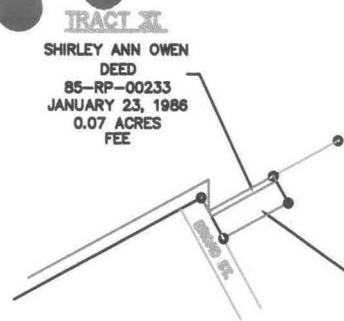
	<u>ACTIVE / %</u>	<u>CIVILIAN / %</u>	<u>JUVENILE / %</u>	<u>UNKNOWN / %</u>	<u>TOTAL</u>
ASSAULT	11 / 57.89%	7 / 36.84%	0 / 0%	1 / 5.27%	19
BURGLARY	1 / 100%	0 / 0%	0 / 0%	0 / 0%	1
DISORDERLY CONDUCT	18 / 56.25%	14 / 43.75%	0 / 0%	0 / 0. %	32
DOMESTIC DISPUTE	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
DRUG ABUSE	3 / 100%	0 / 0%	0 / 0%	0 / 0%	3
HOMICIDE	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
PROPERTY DAMAGE	6 / 11%	3 / 5.5%	0 / 0%	45 / 83.5%	64
THEFT	7 / 10.93%	10 / 15.62%	0 / 0%	47 / 73.45%	64
TRESPASSING	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
TRAFFIC ACCIDENTS	32 / 57.14%	22 / 39.28%	1 / 1.78%	1 / 1.78%	56

1998

	<u>ACTIVE / %</u>	<u>CIVILIAN / %</u>	<u>JUVENILE / %</u>	<u>UNKNOWN / %</u>	<u>TOTAL</u>
ASSAULT	11 / 64.7%	5 / 29.41%	1 / .058%	0 / 0%	17
BURGLARY	0 / 0%	0 / 0%	0 / 0%	3 / 100%	1
DISORDERLY CONDUCT	17 / 65.38%	3 / 17.64%	0 / 0%	3 / 17.64%	26
DOMESTIC DISPUTE	4 / 100%	0 / 0%	0 / 0%	0 / 0%	4
DRUG ABUSE	2 / 66.66%	1 / 33.33%	0 / 0%	0 / 0%	3
HOMICIDE	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
PROPERTY DAMAGE	18 / 23.37%	14 / 18.18%	1 / 1.29%	44 / 57.14%	77
THEFT	10 / 15.62%	3 / 4.68%	1 / 1.56%	50 / 78.12%	64
TRESPASSING	0 / 0%	0 / 0%	0 / 0%	0 / 0%	0
TRAFFIC ACCIDENTS	32 / 55.17%	21 / 36.20%	0 / 0%	5 / 8.62%	58



DETAIL B
SCALE: 1"=200'



DETAIL A
SCALE: 1"=200'

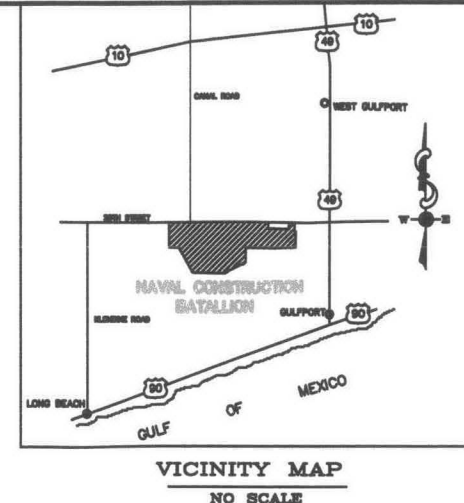
TRACT XI
SHIRLEY ANN OWEN
DEED
85-RP-00233
JANUARY 23, 1986
0.07 ACRES
FEE

TRACT IX
BETTY & J.J. HILL
DEED
85-RP-00168
JULY 10, 1985
0.29 ACRES
FEE

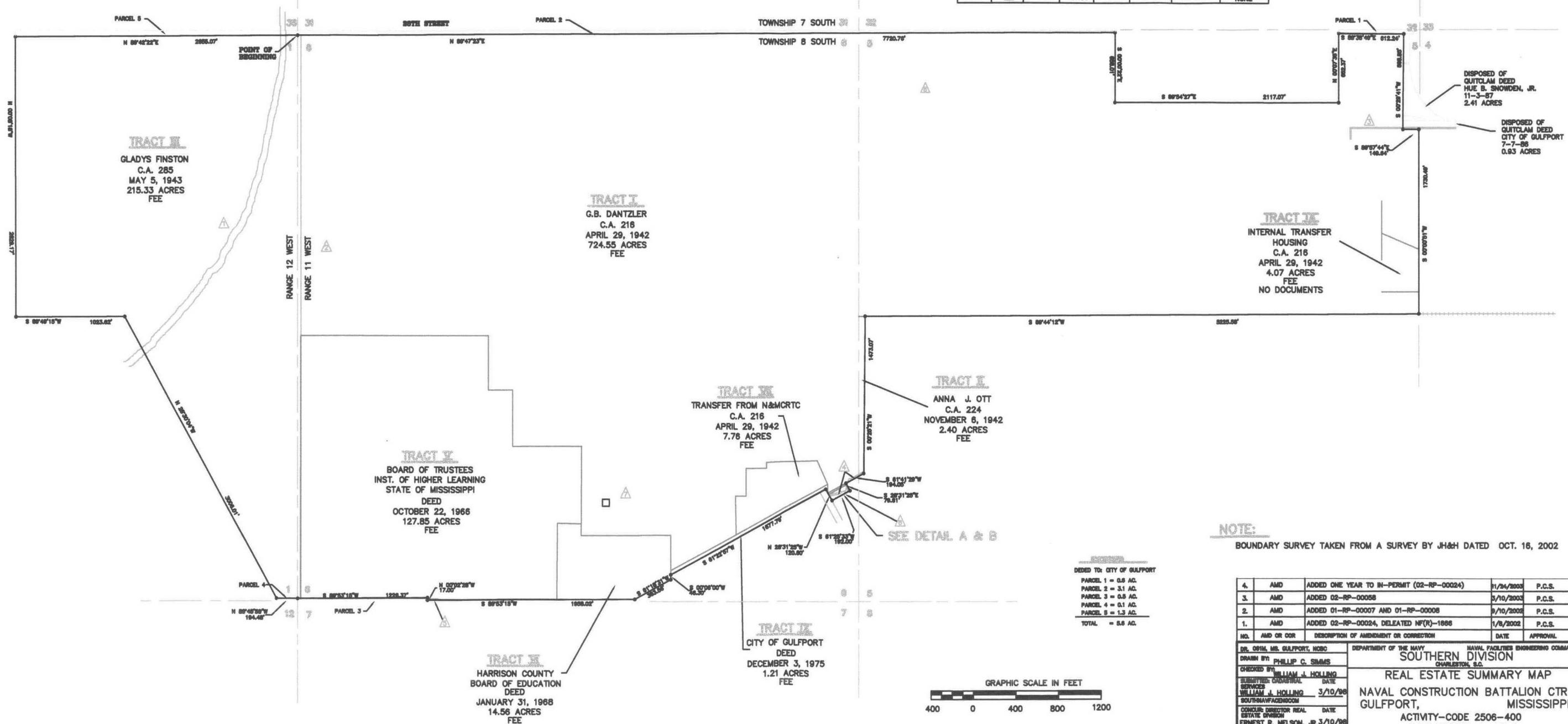


SUMMARY OF REAL ESTATE ACREAGE									
ESTATE	ACQUISITIONS					ENCUMBRANCES AND OUTGRANTS			
	PURCHASE	CONDEMN.	EXCHANGE	TRANSFER	TOTAL	EASEMENT	OTHER	TOTAL	
FEE	143.88	954.11			1,098.09				
EASEMENT		0.30			0.30	8.30			
LEASE	70.40				70.40		1.22		
OTHER	2247.57				2247.57				
TOTAL	2462.04	954.41			3416.45			9.52	

SUMMARY OF JURISDICTION						
PROPERTY RECORD CARD NUMBER	TRACT	LAND ACQUIRED BY	AREA	DATE ACQUIRED BY USA	STATE LANDS COMMISSION ACTION	APPLICABLE STATE STATUTE
100101	I	CA-216	724.55			EXCLUSIVE
100105	IX	CA-216	4.07			EXCLUSIVE
100102	IX	CA-224	2.40			EXCLUSIVE
100103	IX	CA-285	215.33			EXCLUSIVE
100104	IX	IN-ESMT.	0.30			NONE
100106	IX	DEED	127.85			PROPRIETARY
100107	IX	DEED	14.56			PROPRIETARY
100112	IX	CA-216	7.78			EXCLUSIVE
100114	IX	DEED	1.21			PROPRIETARY
100118	IX	DEED	0.29			PROPRIETARY
100119	IX	DEED	0.07			PROPRIETARY
180116	IX	LEASE	33.47			NONE
180117	IX	LEASE	37.02			NONE
180114	IX	PERMIT	2186.00			NONE
180115	IX	AGREEMENT	31.50			NONE



VICINITY MAP
NO SCALE



ALL LAND SHOWN IS LOCATED IN HARRISON COUNTY, MISSISSIPPI

62604

4.	AMD	ADDED ONE YEAR TO IN-PERMIT (02-RP-00024)	1/24/2003	P.C.S.
3.	AMD	ADDED 02-RP-00058	5/10/2003	P.C.S.
2.	AMD	ADDED 01-RP-00007 AND 01-RP-00008	9/10/2002	P.C.S.
1.	AMD	ADDED 02-RP-00024, DELETED NF(R)-1886	1/8/2002	P.C.S.
NO.	AMD OR COR.	DESCRIPTION OF AMENDMENT OR CORRECTION	DATE	APPROVAL
DR. CDR. MS. GULFPORT, NCBC DEPARTMENT OF THE NAVY HAVN. FACILITIES ENGINEERING COMMAND CHARLESTON, S.C. SOUTHERN DIVISION REAL ESTATE SUMMARY MAP NAVAL CONSTRUCTION BATTALION CTR. GULFPORT, MISSISSIPPI ACTIVITY-CODE 2506-400 MANAGEMENT- NAVFAC				
DRAWN BY: PHILLIP C. SIMMS		DATE: 3/10/98		
CHECKED BY: WILLIAM J. HOLLING		DATE: 3/10/98		
SUBMITTED: SOUTHERN DIVISION		DATE: 3/10/98		
SOUTHNAVFACBOOK		DATE: 3/10/98		
CONCURRENCE REAL ESTATE DIVISION		DATE: 3/10/98		
REQUEST R. NELSON, JR.		DATE: 3/10/98		
C.O.		DATE: 3/10/98		
APPROVED: HEAD LAND MANAGEMENT DEPARTMENT		DATE: 3/10/98		
EARL G. RAHAM		DATE: 3/10/98		
SFD FOR COMMANDER/NAVFAC		DATE: 3/10/98		
SIZE: F		CODE IDENT. NO.: 80091		NAVFAC DRAWING NO.: 5352286
SCALE: 1"=400'		SHEET 1 OF 1		

THIS DRAWING SUPERSEDES 5091405

NAVAL CONSTRUCTION BATTALION CENTER
GULFPORT, MISSISSIPPI

PARCEL A

A tract of Government land located in Harrison County, Mississippi, said tract being more particularly described as follows:

BEGINNING at a concrete monument at the northeast corner of Section 1, Township 8 South, Range 12 West, St. Stevens Meridian in Harrison County, Mississippi;

THENCE N 89°58'41" E a distance of 7720.77 feet;
THENCE S 00°08'50" W a distance of 658.01 feet;
THENCE S 89°43'13" E a distance of 2116.99 feet;
THENCE N 00°19'08" E a distance of 652.37 feet;
THENCE S 89°27'43" E a distance of 612.44 feet;
THENCE S 00°39'23" W a distance of 898.38 feet;
THENCE S 89°42'31" E a distance of 149.15 feet;
THENCE S 00°11'59" W a distance of 1730.30 feet;
THENCE S 89°55'09" W a distance of 5225.74 feet;
THENCE S 00°36'38" W a distance of 1473.12 feet;
THENCE S 61°27'58" W a distance of 194.22 feet;
THENCE S 61°28'47" W a distance of 192.02 feet;
THENCE N 00°06'00" E a distance of 81.60 feet;
THENCE S 61°29'00" W a distance of 1690.30 feet;
THENCE N 00°06'00" E a distance of 338.14 feet;
THENCE S 89°33'00" W a distance of 846.57 feet;
THENCE N 00°34'00" E a distance of 108.70 feet;
THENCE N 00°23'00" E a distance of 728.10 feet;
THENCE S 90°00'00" W a distance of 652.00 feet;
THENCE N 00'00'00" E a distance of 529.00 feet;
THENCE N 89°55'00" W a distance of 228.50 feet;
THENCE N 00°05'00" E a distance of 509.10 feet;
THENCE N 89°55'00" W a distance of 1767.80 feet;
THENCE S 00°05'00" W a distance of 2459.16 feet;
THENCE N 89°55'40" W a distance of 224.99 feet;
THENCE N 28°18'01" W a distance of 3007.70 feet;
THENCE N 89°59'06" W a distance of 1024.17 feet;
THENCE N 00°02'29" E a distance of 2629.18 feet;
THENCE N 89°54'06" E a distance of 2655.32 feet to the **POINT OF BEGINNING**;

Said land situate at Naval Construction Battalion Center, Gulfport, Harrison County, Mississippi, containing \pm 954.11 acres more or less.

PARCEL A
954.11 ACRES

Title to **736.38 acres** of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 911.50 acres of land in Harrison County, Mississippi, and E. B. Dantzler, et al. Civil Action No. 216" filed on April 29, 1942 in the United States District Court in and for the Southern Division of the Southern District of Mississippi. **Navy Tracts I, IA and VII**

Title to **2.40 acres** of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 2.4 acres of land in Harrison County, Mississippi – Mrs. Anna J. Ott, et al. Civil Action No. 224" filed on November 6, 1942 in the United States District Court in and for the Southern Division of the Southern District of Mississippi. **Navy Tract II**

Title to **215.33 acres** of the above described land was vested in the United States of America by Declaration of Taking in suit styled "United States of America vs. 223 acres of land in Harrison County, Mississippi, Mrs. Gladys Finston, et al. Civil Action No. 285" filed on May 5, 1943 in the United States District Court in and for the Southern Division of the Southern District of Mississippi. **Navy Tract III**

NAVAL CONSTRUCTION BATTALION CENTER
GULFPORT, MISSISSIPPI

PARCEL B

A tract of Government land located in Harrison County, Mississippi, said tract being more particularly described as follows:

COMMENCING at a concrete monument at the southwest corner of fractional Section 6, Township 8, South Range 11 West, St. Stevens Meridian in Harrison County, Mississippi; **THENCE** N 00°08'32" E a distance of 17.00 feet to an iron pipe; **THENCE** N 89°55'40" E a distance of 31.00 feet to an iron pipe and the **POINT OF BEGINNING**;

THENCE N 00°05'00" E a distance of 2459.16 feet;
THENCE S 89°55'00" E a distance of 1767.80 feet;
THENCE S 00°05'00" W a distance of 509.10 feet;
THENCE S 89°55'00" E a distance of 228.50 feet;
THENCE S 00°00'00" W a distance of 529.00 feet;
THENCE N 90°00'00" E a distance of 652.00 feet;
THENCE S 00°23'00" W a distance of 728.10 feet;
THENCE S 00°34'00" W a distance of 108.7 feet;
THENCE N 89°33'00" E a distance of 846.57 feet;
THENCE S 00°06'00" W a distance of 414.80 feet;
THENCE S 61°36'40" W a distance of 338.14 feet;
THENCE N 61°29'00" E a distance of 1690.30 feet;
THENCE S 00°06'00" W a distance of 81.60 feet;
THENCE N 61°28'47" E a distance of 192.02 feet;
THENCE S 28°33'00" E a distance of 80.00 feet;
THENCE N 61°28'00" E a distance of 192.00 feet;
THENCE N 28°33'02" W a distance of 120.64 feet;
THENCE N 28°31'00" W a distance of 40.60 feet;
THENCE S 61°29'00" W a distance of 1668.10 feet;
THENCE S 00°06'00" W a distance of 46.30 feet;
THENCE S 61°36'40" W a distance of 384.05 feet;
THENCE N 89°55'40" W a distance of 1944.81 feet;
THENCE N 00°08'32" E a distance of 17.00 feet;
THENCE N 89°55'40" W a distance of 1195.39 feet to the **POINT OF BEGINNING**;

Said land situate at Naval Construction Battalion Center, Gulfport, Harrison County, Mississippi, containing \pm 143.98 acres more or less.

NAVAL CONSTRUCTION BATTALION CENTER
GULFPORT, MISSISSIPPI

SUMMARY OF ACREAGE AND EXISTING JURISDICTION

TRACT NUMBER	EXCLUSIVE FEDERAL JURISDICTION	PROPRIETORIAL JURISDICTION	
I	724.55 acres		
IA	4.07 acres		
II	2.40 acres		
III	215.33 acres		
V		127.85 acres	
VI		14.56 acres	
VII	7.76 acres		
IX		1.21 acres	
X		0.29 acres	
XI		0.07 acres	
	<hr/>	<hr/>	
	954.11 acres	+	143.98 acres

Total = 1098.09 acres

AFFIDAVIT OF WILLIAM J. HOLLING

I William J. Holling, do hereby attest a follows:

1. My name is William J. Holling, I am a Realty Specialist in the Real Estate Division with the Southern Division, Naval Facilities Engineering Command, 2155 Eagle Drive, P. O. Box 190010, North Charleston, South Carolina 29419-9010.

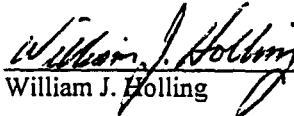
2. I have been employed by the Southern Division, Naval Facilities Engineering Command from 1977 until the present time. My specific position in the Real Estate Division is in Cadastral Services and Jurisdiction. I am responsible for maintaining a copy of all deeds, title instruments and jurisdiction documents relating to the United States of America (Navy's) ownership and jurisdiction over lands at the Naval Construction Battalion Center in Gulfport, Mississippi.

3. The United States of America's fee owned property under control of the Navy at the Naval Construction Battalion Center consists of 1098.09 acres, more or less, of which the United States of America has Exclusive Federal Jurisdiction over 954.11 acres, more or less, and Proprietorial Jurisdiction over the balance of 143.98 acres, more or less.

4. I have personally supervised the preparation of and reviewed the enclosed metes and bounds legal descriptions totaling 1098.09 acres, more or less, of the fee owned lands at the Naval Construction Battalion Center in Gulfport, Mississippi, and compared them with the deeds and jurisdiction documents I maintain for the same property. Based on this comparison, I certify and attest that the United States of America (Navy) is the fee owner of the 1098.09 acres, more or less, described in the enclosed legal descriptions.

I do hereby certify and attest under penalty of perjury that the foregoing is true and correct.

Further the affiant sayeth not.

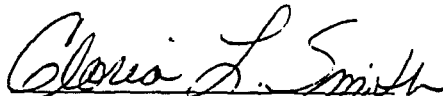

William J. Holling

STATE OF SOUTH CAROLINA)
)
CITY OF NORTH CHARLESTON)

to-wit:

Subscribed and sworn to before me by William J. Holling, who personally appeared before me on this 13th day of July 1999.

My commission expires: 29 November 2003


Gloria L. Smith
Notary Public

BASE:	NCBC GULFPORT, MS
SPECIAL AREA:	
TYPE OF ACTION:	<u>JURISDICTION</u>
CONTRACT NUMBER:	
PARTY INVOLVED:	
DATE OF ACTION:	9-Jan-1944

DOCUMENT	DATE	# OF PAGES
AFFIDAVIT OF WILLIAM J. HOLLING	18-Apr-1993	1
LETTER FROM NAVY DEPT, JAMES FORRESTAL TO THE GOVERNOR OF THE STATE OF MISSISSIPPI	14-Dec-1942	4
LETTER FROM RALPH A. BARD TO THE HONORABLE DENNIS MURPHREE, GOVERNOR OF MISSISSIPPI	6-Jan-1944	2

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

)
)
)

AFFIDAVIT

I, William J. Holling, who first being duly sworn, deposes and states upon personal knowledge and belief as follows:

1. I am a Realty Specialist and Custodian of the Real Estate Records for the Southern Division of Naval Facilities Engineering Command in Charleston, South Carolina.

2. I have made an examination of our land records relating to Tract I, containing 724.55 acres of land, more or less, at the Naval Construction Battalion Center in Gulfport, Harrison County, Mississippi. This land was conveyed to the United States of America in conjunction with the establishment of the Naval Construction Battalion Center by Civil Action No. 216 styled "The United States of America vs. 911.50 Acres of Land in Harrison County, Mississippi, G. B. Dantzler, et al" and filed on 30 April 1942 in the District Court of the United States in and for the Southern Division of the Southern District of Mississippi.

3. The United States of America accepted jurisdiction over Tract I by Navy Department letter, dated 14 December 1942, signed by James Forrestal and receipt of which was acknowledged on 29 December 1942 by Paul B. Johnson, Governor of the State of Mississippi.

William J. Holling

William J. Holling
Realty Specialist and Custodian
of the Real Estate Records for
Southern Division, Naval
Facilities Engineering Command

Sworn to and subscribed before
me this 18th day of April, 1993

Judith H. O'Connell
Notary Public

My Commission expires 8-17-94

HDS/NI-13
25-3
F-3-3/RPN:hl

NAVY DEPARTMENT
WASHINGTON

December 14, 1942

Sir:

An Act of Congress approved October 9, 1940 (54 Stat. 1083), provides that in any case where a state ceded jurisdiction over lands within its borders to the United States, the head or authorized officer of any department or independent establishment or agency of the Government having custody of such lands, shall, if such jurisdiction be accepted on behalf of the United States, file a notice of such acceptance with the Governor of the state ceding such jurisdiction.

Pursuant to a Declaration of Taking filed November 6, 1942, in the District Court of the United States for the Southern District of Mississippi, Southern Division, where the United States acquired a fee simple title to approximately 2.4 acres of land in the case entitled "United States of America v. 2.4 acres of land, more or less, in Harrison County, Mississippi, Mrs. Anna J. Ott, et al., Civil No. 224."

Pursuant to the provisions of the aforesaid act, jurisdiction is hereby accepted on behalf of the United States in the manner and form granted by the Act of the Legislature of 1928 (Sections 6055-6057, Chap. 153, Mississippi Code 1930y Ann.), over the aforementioned land in the custody of the Navy Department, to wit:

All of that land lying and being in the County of Harrison, State of Mississippi, and being in part a portion of Blocks 8, 9 and E4 of the Jonestown McCaughan Addition to the City of Gulfport, and more particularly described as follows:

Beginning at an iron pipe on the line dividing Sections 5 and 6, Township 8 South, Range 11 West, St. Stephens Base and Meridian, a distance of 2676.8 feet Southerly from the intersection of said Sections 5 and 6, Township 8 South, Range 11 West, and Sections 31 and 32, Township 7 South, Range 11 West, said point being a corner of the lands of the United States Government; thence Southerly along the line dividing Sections 5 and 6 a distance of 1,506.3 feet to the Northwesterly line of the Claud Ladner (Claude Ladnier)



RJM
HDS/H1-13

-2-

25-3

F-3-3/RPM:bl

claim; thence North 62 degrees East along the Northwesternly line of said Ladner claim and its extension Northeastly a distance of 77.3 feet, more or less, to the Westerly line of 49th Street of said Jonestown McCaughan Addition; thence Northerly with the Westerly line of 49th Street and its extensions 1,486 feet, more or less, to the Southerly line of the lands of the United States Government; thence Westerly with the Southerly line of the lands of the United States Government to the point of beginning; containing 2.4 acres, more or less.

These lands were acquired by the United States under the authority of the Act of Congress approved February 6, 1942 (Public Law 439, 77th Congress), for use in connection with the establishment of a Naval Base Depot at Gulfport, Harrison County, Mississippi.

There are enclosed two carbon copies of this letter of acceptance. Their return in the enclosed franked envelope with your endorsement thereon of the time of the receipt of the acceptance will be appreciated. One copy will be forwarded to the Attorney General and the other retained in the files of the Navy Department.

Very truly yours,

The Honorable,
The Governor of the State of Mississippi.
Jackson, Mississippi.

Enclosures (2)

CC: COMB

Original of this letter received
and filed on the 29 day of

Dec. 1942.

LSJ Paul B. Johnson
GOVERNOR OF MISSISSIPPI

NDS/K1-13

28-3

7-8-7/RFM:ml

NAVY DEPARTMENT

WASHINGTON

December 14, 1942

Sir:

An Act of Congress approved October 9, 1940 (54 Stat. 1083), provides that in any case where a state ceded jurisdiction over lands within its borders to the United States, the head or authorized officer of any department or independent establishment or agency of the Government having custody of such lands, shall, if such jurisdiction be accepted on behalf of the United States, file a notice of such acceptance with the Governor of the state ceding such jurisdiction.

Pursuant to a Declaration of Taking filed April 30, 1942, in the District Court of the United States for the Southern District of Mississippi, Southern Division, the United States acquired a fee simple title to approximately 911.80 acres of land in the case entitled "United States of America v. 911.80 acres of land, more or less, in Harrison County, Mississippi, B. B. Dantzier, et al., Civil No. 218."

Pursuant to the provisions of the aforesaid act, jurisdiction is hereby accepted on behalf of the United States, in the manner and form granted by the Act of the Legislature of 1928 (Sections 6055-6057, Chap. 163, Mississippi Code 1930, Ann.), over the aforementioned land in the custody of the Navy Department, to wit:

All those certain lots, tracts, and parcels of land lying and being situate in the County of Harrison, State of Mississippi, a part of which is located within the corporate limits of the City of Gulfport, Mississippi, known and described as follows, to wit:

St. Stephens Meridian, Township 8 South, Range 11 West, Section 5, Lot 1 Northeast Quarter (NE $\frac{1}{4}$), South Half (S $\frac{1}{2}$), Lot 2 South Half (S $\frac{1}{2}$), Lot 3 Northeast Quarter (NE $\frac{1}{4}$), West 402 feet, West Half (W $\frac{1}{2}$), Southeast Quarter (SE $\frac{1}{4}$), except North 60 feet of East 258 feet, Lots 4, 5, 6, 7 and 8; all Section 6, All fractional Town of Gulfport, Mississippi, Blocks 11, 12, 13, 14, 15 and 16, containing in all 911.80 acres of land, more or less.



NDG/M1-13

25-3

F-3-7/RFM:bl

These lands were acquired by the United States under the authority of the Act of Congress approved February 6, 1942 (Public Law 438, 77th Congress), for use as a Naval Base Depot at Gulfport, Harrison County, Mississippi.

There are enclosed two carbon copies of this letter of acceptance. Their return in the enclosed franked envelope with your endorsement thereon of the time of the receipt of the acceptance will be appreciated. One copy will be forwarded to the Attorney General and the other retained in the files of the Navy Department.

Very truly yours,

James Forrestal

The Honorable,
The Governor of the State of Mississippi
Jackson, Mississippi.

Enclosures (2)

CC: COMS
ATTY GEN.

Original of this letter received and filed on the 29 day of Dec. 1942.

121 Paul B. Johnson

GOVERNOR OF MISSISSIPPI

NDG/M1-13
P-3-7A/RFM/bm
C25-67-Gu

Honorable Dennis Murphree,
Governor of Mississippi,
Jackson, Mississippi.

JAN 6 1944

Sir:

The United States of America became vested with a valid title to approximately 223 acres of land, more or less, in Harrison County, Mississippi on May 3, 1943 pursuant to a declaration of taking filed on that date in the United States District Court for the Southern District of Mississippi, Southern Division in the case entitled United States of America v. 223 acres of land in Harrison County, Mississippi, Mrs. Gladys Finston, et al., Civil No. 285. This land which is more fully and particularly described in the attached Exhibit "A" was acquired for use in connection with the expansion of the Advance Base Depot at Gulfport, Mississippi.

In accordance with the provisions of the Act of Congress approved October 9, 1940 (54 Stat., 1083), jurisdiction over the aforementioned land is hereby accepted by the Navy Department on behalf of the United States of America in the manner and form granted and ceded by an Act of the Legislature of Mississippi, 1928 (Sections 6055-6057, Chap. 153, Mississippi Code, 1930, Annotated).

There are enclosed two carbon copies of this letter of acceptance. Their return in the enclosed envelope with your endorsement thereon of the time of the receipt of this acceptance will be appreciated. One copy will be forwarded to the Attorney General of the United States and the other retained in the files of the Navy Department.

Very truly yours,

Ralph A. Bard

Encl: HW
1. 3 Carbon Copies of ltr.

Original of this letter received:

Date:

Dennis Murphree
Jan 9 1944
Governor

CC: AttyGen
Com8
CO, U.S. Naval Advance Base Depot,
34th Avenue and 25th Street,
Gulfport, Mississippi.

EXHIBIT "A"

The Northeast quarter (NE $\frac{1}{4}$) of Section 1, Township 8 South, Range 12 West, and which includes all of the Bouslog's Addition and the Bouslog's Second Addition, as shown by the official plate of said additions of record in the office of the Chancery Clerk of Harrison County, Mississippi.

Also that portion of the Southeast quarter (SE $\frac{1}{4}$) of said section, lying east of the M. T. Richmond Homestead tract and more particularly described as follows: Beginning at a point that marks the Northeast corner of the said Richmond tract and which point is three (3) feet West of an off-set concrete monument, and running from thence south twenty-eight (28) degrees and eighteen (18) minutes East a distance of three thousand twenty-five and six tenths (3025.6) feet to a concrete monument on the South line of said Section 1; thence East one hundred and eighty-five (185) feet to the Southeast corner of Section 1; thence North along the East line of said Section 1 a distance of two thousand, six hundred, fifty-five and seventy-five hundredths (2655.75) feet to the Northeast corner of said Southeast quarter (NE COR. SE $\frac{1}{4}$); and thence West a distance of one thousand, six hundred, twenty-four and six tenths (1624.6) feet to the point of beginning. The last described tract includes all of Collins Subdivision and Orange Place as shown on official plats of record in the office of the Chancery Clerk of Harrison County and also acreage tracts lying between these subdivisions.

Containing in all 223 acres, more or less.